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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD) No.1790 of 2021

Muthuvel

... Petitioner / Father of the Detenu

Vs.

- 1.The State of Tamil Nadu,
Represented by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
 - 2.The District Collector and District Magistrate
of Dindigul District,
Office of the District Collector, Dindigul, Dindigul District.
 - 3.The Superintendent of Prison,
Central Prison, Madurai.
 - 4.The Inspector of Police,
Reddiarchatram Police Station,
Dindigul District.
- ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records relating to the detention order passed by the second respondent in Detention Order No.39/2021, dated 29.07.2021 in detaining the detainee under Section 2(e) of the Tamil Nadu Act 14 of 1982 as a Drug Offender and quash the same and direct the respondents to produce the detainee, namely, Pon Arjun, S/o.Muthuvel, Male, aged about 21 years, who is now detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.



ORDER

R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.

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The petitioner is the father of the detenu, namely, Pon Arjun, S/o.Muthuvel, aged about 21 years. The detenu has been detained by the second respondent by his proceedings in Detention Order No.39/2021, dated 29.07.2021, holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3.The learned counsel for the petitioner would submit that the detention order has been passed without considering any materials, which resulted in non-application of mind on the part of the detaining authority.

4.The detaining authority has observed in the detention order that the accused is a habitual offender and continuously involved in selling and transporting the contraband. Since there is no previous case recorded against the detenu, we are of the view that the detaining authority had mechanically passed the order, which shows clear non-application of mind on the part of the detaining authority. The impugned detention order is, therefore, liable to be quashed.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.39/2021, dated 29.07.2021, passed by the second respondent is set aside. The detenu, namely, Pon Arjun, S/o.Muthuvel, aged about 21 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.
- 2.The District Collector and District Magistrate,
Velunachiyar Valagam, Dindigul District.
- 3.The Superintendent of Prison,
Central Prison, Madurai District.
- 4.The Inspector of Police,
Reddiarchatram Police Station,
Dindigul District.
- 5.The Joint Secretary to Government,
Public (Law & Order), Fort saint George,
Chennai-600 009.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1790 of 2021
07.04.2022

_RD(21.04.2022) 3P 7C