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HCP.No.2107 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

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THE HONOURABLE MR. JUSTICE **S.S.SUNDAR**
AND
THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

H.C.P.No.2107 of 2023

Pechiammal

.. Petitioner

Vs.

1.State of Tamilnadu

Rep. By The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9.

2.The Commissioner of Police/Detaining Authority,
Coimbatore City, Coimbatore.

3.The Superintendent of Prison,
Central Prison, Coimbatore.

4.The Inspector of Police,
B3, Variety Hall Road Police Station,
Coimbatore City.

..Respondents

Petition filed under Article 226 of The Constitution of India
praying for a Writ of Habeas Corpus to call for the records relating
to the order of detention passed by the 2nd respondent in
C.No.50/G/IS/2023 dated 27.06.2023 against the petitioner
Pechiammal's son the detenu A.Maharaja, male, aged 23 years,
S/o.Arumugam, now confined in Central Prison, Coimbatore and



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set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.J.Thomas Saran Singh
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

[Order of the Court was made by **S.S.SUNDAR, J.**]

The petitioner, mother of the detenu A.Maharaja, has come forward with this petition challenging the detention order passed by the second respondent dated 27.06.2023 slapped on her son, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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3. Though several points have been raised by the petitioner, the learned counsel for the petitioner submitted that the detention order is clamped on the basis of records and extraneous materials. He has further submitted that the detaining authority has not disclosed in the detention order the purpose for which the said news paper cuttings were annexed in the booklet and therefore the detention order is vitiated.

4. In response to the above argument, learned Prosecutor submitted that the detaining authority has arrived at subjective satisfaction by taking note of the fact that the detenu has involved in number of cases involving possession and sale of ganja and therefore it cannot be contended that there is reference to extraneous material.

5. It is seen from the booklet, the news that was published in the news papers relating to arrest and detention of the detenu are found annexed in Page Nos.142 and 143. The same has been relied upon by the detaining authority but the purpose for which the same is relied upon is not indicated in the detention order. The detaining authority has relied upon extraneous material to



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arrive at subjective satisfaction without disclosing the purpose of such material being placed in the booklet and therefore, the detention order is vitiated.

6. In view of the aforesaid reason, the detention order passed by the second respondent dated 27.06.2023 in C.No.50/G/IS/2023, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., A.Maharaja, S/o.Arumugam, aged about 23 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[S.S.S.R., J.] [S.M, J.]
27.11.2023

Index:Yes/No
Neutral Citation:Yes/No
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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner of Police cum Detaining Authority,
Coimbatore City, Coimbatore.
- 3.The Superintendent of Prison,
Central Prison,Coimbatore.
- 4.The Inspector of Police,
B3, Variety Hall Road Police Station,
Coimbatore City.
- 5.The Public Prosecutor,



High Court, Madras.

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**S.S.SUNDAR, J.,
AND
SUNDER MOHAN, J.,**

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