



HCP(MD)No.249 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.249 of 2023

Anto Destymona

.. Petitioner/Wife of the Detenu

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector/District Magistrate,
Office of the Collectorate Building,
Tenkasi District.
- 3.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
- 4.The Superintendent of Prison,
Central Prison,
Palayamkottai.

.. Respondents



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PRAAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent in M.H.S.Confdl.No. 95/2022, dated 29.10.2022, quash the same and direct the respondents to produce the body or person of the petitioner's husband/detenu namely, Maniselvan, aged about 28 years, S/o.Raja [Now, detained at Central Prison, Palayamkottai] before this Court and set him at liberty.

For Petitioner : No Appearance

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

The petitioner is the wife of the detenu viz., Maniselvan, aged about 28 years, S/o.Raja. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.95/2022, dated 29.10.2022, 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.



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2. Today, there is no representation on behalf of the petitioner.

3. The petitioner, who is the wife of the detenu, earlier has filed CrI.M.P.(MD)No.2839 of 2023 before this Court stating that the detaining authority had not supplied the detention order dated 29.10.2022, made in M.H.S.Confdl.No.95/2022 and therefore, sought for dispensing with the production of original detention order, dated 29.10.2022. The said petition was ordered on 20.02.2023 and thereafter, the Habeas Corpus Petition was numbered and it was posted today for final disposal.

4. In addition to that, another H.C.P.(MD)No.384 of 2023 was also listed today, which was filed by the same petitioner namely, Anto Destymona challenging the detention order of her husband, dated 29.10.2022. In the said petition, the original detention order and the grounds of detention have been produced before this Court. Apparently, the affidavit filed by the petitioner in the present Habeas Corpus Petition, *i.e.*, H.C.P.(MD)No.249 of 2023 is a false affidavit, since the petitioner's husband received the original detention order, dated 29.10.2022.



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5. In view of such false statement made, this Habeas Corpus Petition stands dismissed.

(M.S.R., J.) (M.N.K., J.)
18.07.2023

NCC : Yes / No
Index : Yes / No
smn2/yuva

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector/District Magistrate,
Office of the Collectorate Building,
Tenkasi District.
3. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
4. The Superintendent of Prison,
Central Prison,
Palayamkottai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH, J.
and
M.NIRMAL KUMAR, J.

smn2/yuva

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