



HCP(MD)No.242 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.07.2023

CORAM

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

H.C.P.(MD)No.242 of 2023

Akarapu Yugendar

.. Petitioner/Husband of the Detenue

Vs.

1.State of Tamil Nadu

Represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The District Collector and District Magistrate,
Theni District,
Theni.

3.The Superintendent,
Special Prison for Women,
Madurai,
Madurai 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 connected with the detention order passed in Detention Order No.102/2022 dated



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08.11.2022 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenue or body of the detenue namely the petitioner's wife i.e., Rajalakshmi @ Rajakumari, aged about 53 years, W/o.Agarappu Yugendar, now detained at the Special Prison for Women, Madurai, before this Court and set her at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the husband of the detenue viz., Rajalakshmi @ Rajakumari, W/o.Agarappu Yugendar, aged about 53 years. The detenue has been detained by the second respondent by his order in Detention Order No.102/2022 dated 08.11.2022 holding her 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. We have heard the learned counsel appearing 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. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the copy of the initial remand order has not been furnished to the detainee, despite the same has been sought for by the petitioner in his representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, the representation made by the petitioner dated 14.02.2023, he had sought for the initial remand order of the learned Judicial Magistrate, Aundipatti, however, the same has not been furnished to the detainee, which vitiates the order of detention.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.102/2022 dated 08.11.2022 passed by the second respondent is set aside. The detenue, viz., Rajalakshmi @ Rajakumari, W/o.Agarappu Yugendar, aged about 53 years, is directed to be released forthwith unless her detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
19.07.2023

NCC : Yes / No
Index : Yes / No
Lm/mbi

To

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Theni District,
Theni.
- 3.The Superintendent,
Special Prison for Women,
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4. The Joint Secretary to Government,
Public (Law and Order),
Fort St. George,
Chennai.
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.

Lm/mbi

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