



HCP(MD)No.528 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.09.2023

CORAM

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

H.C.P.(MD)No.528 of 2023

T.Iswarya

.. 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 and District Magistrate
Thanjavur District
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli District.
- 4.The Superintendent
District Jail
Pudukottai District

.. Respondents



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PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records relating to the detention order passed by the 2nd respondent in P.D.No.19/2023 dated 09.03.2023 and to quash the same and direct the respondents to produce the body of the detenu, Ayya @ Thangadurai son of Ravi @ Balamurugan aged about 26 years before this Court and set him at liberty, now detained at District Jail, Pudukottai.

For Petitioner : Mr.R.Mohanasundaram

For Respondents : Mr.A.Thiruvadikkumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Ayya @ Thangadurai, aged about 26 years S/o.Ravi @ Balamurugan. The detenu has been detained by the second respondent by his order in P.D.No.19/2023 dated 09.03.2023 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. 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. Among other grounds, the detention order is mainly attacked on the ground that there is a delay in passing the order of detention. Learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 14.01.2023, the detention order was passed only on 09.03.2023 i.e., after a considerable delay of more than 50 days. Therefore, the detention order has to be set aside.

4. The learned Additional Public Prosecutor strongly objected this petition.

5. As seen from the grounds of detention, it is clear that though the detenu was arrested on 14.01.2023, the order of detention came to be passed only on 09.03.2023 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.



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6. We have gone through the entire materials placed on record. There is no satisfactory explanation offered by the Detaining Authority for the delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.19/2023 dated 09.03.2023 passed by the second respondent is set aside. The detenu, viz., Ayya @ Thangadurai S/o.Ravi @ Balamurugan, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
19.09.2023

NCC : Yes / No
Internet : Yes
RR



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To

1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009.

2.The Joint Secretary
Public Law and Order
Secretariat, Chennai.

3.The District Collector and District Magistrate
Thanjavur District

4.The Superintendent of Prison,
Central Prison,
Tiruchirappalli District.

5.The Superintendent
District Jail, Pudukottai.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
M.NIRMAL KUMAR,J.

RR

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