



HCP(MD)No.918 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.08.2023

CORAM

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

H.C.P.(MD)No.918 of 2023

V.Ramalakshmi

.. Petitioner /Mother of the Detenu

Vs.

1.State of Tamilnadu

Represented by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai – 600 009.

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

3.The Inspector of Police,
Allinagaram Police Station,
Theni District.

4.The Superintendent of Prison,
Central Prison Madurai,
New Jail Road,
Madurai.

.. 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 entire records leading to the detention of the petitioner's son namely Raja @ Kozhiraja, S/o.Veeramani, aged about 26 years vide detention order dated 06.01.2023 made in Detention Order No.06/2023 passed by the second respondent and quash the same and consequently direct the respondents to produce the body or person of the detenu namely Raja @ Kozhiraja, aged 26 years, S/o.Veeramani, now detained at Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.P.Karthick

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Raja @ Kozhiraja, aged about 26 years, S/o.Veeramani. The detenu has been detained by the second respondent by his order in Detention Order No.06/2023 dated 06.01.2023 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. 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 though reliance has been placed by the detaining authority on the remand order, the copy of the remand order has not been furnished to the detenu. Therefore, he submitted that on the sole ground, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor has not filed his counter. However, he strongly opposed the Habeas Corpus Petition.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, when the detaining authority has placed reliance upon the remand order, the same has not been furnished to the detenu, which vitiates the order of detention.



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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.06/2023 dated 06.01.2023 passed by the second respondent is set aside. The detenu, viz., Raja @ Kozhiraja, S/o.Veeramani, 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.)
11.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

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

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

3.The Inspector of Police,
Allinagaram Police Station,
Theni District.



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4.The Superintendent of Prison,
Central Prison Madurai,
New Jail Road,
Madurai.

5.The Joint Secretary to Government,
Public (Law and Order),
Fort St.George, Chennai.

6.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

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