



HCP(MD)No.949 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.08.2023

CORAM

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

H.C.P.(MD)No.949 of 2023

Senthamarai

.. Petitioner / mother
of the Detenu

Vs.

1.The State of Tamil Nadu
rep. by Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

3.The Superintendent of Prison,
Central Prison,Trichy

4.The Inspector of Police,
Pudukottai Town Police Station
Pudukottai District

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, calling for the records relating to the



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detention order passed by the 2nd respondent in Detention Order on 16.11.2022 in Detention Order P.D.O.No.44/2022 and to quash the same and direct the respondents to produce the body or person of the detenu, Jeyaraman @ Soni, aged 21 years, S/o.Babu, before this Court and set him at liberty, now confined at Central Prison, Trichy.

For Petitioner : Ms.S.Prabha for
Mr.D.Rameshkumar

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., Jeyaraman @ Soni, S/o.Babu aged about 21 years. The detenu has been detained by the second respondent by his order in P.D.O.No.44/2022 dated 16.11.2022 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.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We



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have also perused the records produced by the Detaining Authority.

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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 24.09.2022, the detention order was passed only on 16.11.2022 i.e., after a considerable delay of more than 50 days. Therefore, the detention order has to be set aside.

4. Counter affidavit has not been filed. 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 24.09.2022, the order of detention came to be passed only on 16.11.2022 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.O.No.44/2022 dated 16.11.2022 passed by the second respondent is set aside. The detenu, viz., Jeyaraman @ Soni S/o.Babu, aged about 21 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.)
02.08.2023

NCC : Yes / No
Index : Yes / No
RR



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To

1. The Additional Chief Secretary to Government,
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2. The District Magistrate and District Collector,
Pudukottai, Pudukottai District
3. The Superintendent of Prison,
Central Prison, Trichy
4. The Inspector of Police,
Pudukottai Town Police Station
Pudukottai District
5. The Superintendent of Prison,
Central Prison, Trichy
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.

RR

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