



H.C.P.(MD)No.1867 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.1867 of 2022

Thamilarasi

.. Petitioner/Mother of the
detenu

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai-600009.

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

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

.. Respondents

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



H.C.P.(MD)No.1867 of 2022

WEB COPY

detention order passed by the second respondent in C.O.C.No.39/2022 dated 16.07.2022 in detaining te detenu under Section 2(e) of the Tamilnadu Act 14 of 1982 as a “Drug Offender” and quash the same and direct the respondents to produce the body or person of the detenu, namely, Pettai Sathish @ Sathish, son of Allimuthu, aged about 26 years, now detained at Central Prison, Tiruchirappalli, before this Court and set him at liberty forthwith. Emulsified

For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

The mother of the detenu, by name, Pettai Sathish @ Sathish, is before this Court challenging the detention order dated 16.07.2022. It is a case where the detenu was arrested on 27.05.2022 for alleged offence under Sections 8(c) r/w 20(b)(ii)(c), 25, 29(1) of the Narcotic Drugs and



H.C.P.(MD)No.1867 of 2022

WEB COPY

Psychotropic Substances Act, 1985, along with three others in connection with seizure of 200 Kgs and 500 gms of Ganja.

2. The learned counsel appearing for the detenu states that it is a sole case against the detenu and there is no bad antecedent and further the alleged recovery of Ganja was not from his possession but from other accused. He further submitted that the booklet was furnished to the detenu in prison only on 17.08.2022. Therefore there is a gross violation of the statute by non-furnishing the booklet within a period of five days as contemplated under Section 8(1) of the Tamilnadu Act 14 of 1982.

3. From the records, this Court finds that the booklet was furnished to the detenu in prison on 17.08.2022. Since the grounds of order of detention to be disclosed to the person affected by the order within five days from the date of detention as per Section 8(1) of the Tamilnadu Act 14 of 1982 so as to enable the detenu to make effective representation, in this case, there is a violation of the said provision which has deprived the detenu from making effective representation. Hence, the detention order is liable to be quashed.



H.C.P.(MD)No.1867 of 2022

WEB COPY

4. In fine, the Habeas Corpus Petition is allowed. The detention order passed in C.O.C.No.39/2022 dated 16.07.2022, by the 2nd respondent, is set aside. Consequently, the detenu viz., Pettai Sathish @ Sathish, son of Allimuthu, aged about 26 years, who is now detained in Central Prison, Tiruchirappalli, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

[G.J.,J.] & [K.K.R.K.,J.]
28.02.2023

Internet :Yes
Index :Yes/No
NCC :Yes/No
PJL

To
1.The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai-600009.

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



H.C.P.(MD)No.1867 of 2022

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

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



WEB COPY



H.C.P.(MD)No.1867 of 2022

**DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.**

PJL

H.C.P.(MD)No.1867 of 2022

28.02.2023