



*H.C.P.(MD)No.2014 of 2022*

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**and**

**THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR**

**H.C.P.(MD)No.2014 of 2022**

R.Chandrakala

.. Petitioner

Vs.

- 1.State of Tamil Nadu,  
rep. by the Secretary to Government,  
Prohibition and Excise Department,  
Fort St. George,  
Chennai - 600 009.
- 2.The District Collector cum District Magistrate,  
Kanniyakumari District,  
Nagercoil,  
Kanniyakumari District.
- 3.The Superintendent of Prison,  
Central Prison,  
Palayamkottai.



H.C.P.(MD)No.2014 of 2022

4. The Inspector of Police,  
Vadaserry Police Station,  
Vadaserry,  
Kanniyakumari District.

.. Respondents

**PR**

**AYER:** Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the detention order passed in P.D.No.60 of 2022, dated 18.09.2022 by the second respondent herein under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son, the detenu, R.Aravind Priyan, son of Rajaboopathy, aged about 23 years, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan  
For Respondents : Mr.A.Thiruvadi Kumar  
Additional Public Prosecuto



WEB COPY



*H.C.P.(MD)No.2014 of 2022*

## **ORDER**

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

The petitioner is the mother of the detenu viz., R.Aravind Priyan, son of Rajaboopathy, aged about 23 years. The detenu has been detained by the second respondent by his order in P.D.No.61 of 2022, dated 18.09.2022, 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 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



*H.C.P.(MD)No.2014 of 2022*

WEB COPY

counsel appearing for the petitioner strongly contended that though the detenu was arrested on 27.07.2022, the detention order was passed only on 18.09.2022 i.e., after a considerable delay of more than 50 days. Therefore, the detention order has to be set aside.

4.As seen from the grounds of detention, it is clear that though the detenu was arrested on 27.07.2022, the order of detention came to be passed only on 18.09.2022 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.

5.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.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.60 of 2022, dated 18.09.2022, passed by the second respondent is set aside. The detenu, viz., R.Aravind Priyan, son of



*H.C.P.(MD)No.2014 of 2022*

Rajaboopathy, aged about 23 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.)**  
**12.07.2023**

NCC : Yes/No  
Internet : Yes  
Index : Yes / No  
RM/RR



*H.C.P.(MD)No.2014 of 2022*

Copy to

WEB COPY

- 1.The Secretary to Government,  
State of Tamil Nadu,  
Prohibition and Excise Department,  
Fort St. George,  
Chennai - 600 009.
- 2.The District Collector cum District Magistrate,  
Kanniyakumari District,  
Nagercoil,  
Kanniyakumari District.
- 3.The Superintendent of Prison,  
Central Prison,  
Palayamkottai.
- 4.The Inspector of Police,  
Vadaserry Police Station,  
Vadaserry,  
Kanniyakumari District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*H.C.P.(MD)No.2014 of 2022*

**M.S.RAMESH,J.**

**and**

**M.NIRMAL KUMAR,J.**

RM/RR

**H.C.P.(MD)No.2014 of 2022**

12.07.2023