



HCP(MD)No.33 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.07.2023

CORAM

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

H.C.P.(MD)No.33 of 2023

Santhanam

... Petitioner / Father of the Detenu

Vs.

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

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

3.The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli 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 detention order passed by the 2nd respondent in H.S.(M)Confdl.No.249/2022, dated 15.11.2022 and quash the same and



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direct the respondents to produce the body or detenu, namely, Santhanaraj, S/o.Santhanam, aged about 22 years now detained at Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu viz., Santhanaraj, S/o.Santhanam, aged about 22 years. The detenu has been detained by the second respondent by his order in H.S.(M)Confdl.No.249/2022, dated 15.11.2022, 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 have also perused the records produced by the Detaining Authority.



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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 the Government Order in G.O.(D)No.322, Home, Prohibition and Excise (xvi) Department, dated 13.10.2022 has not been provided to the detenu. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, it is clear that the Government Order in G.O.(D)No.322, Home, Prohibition and Excise (xvi) Department, dated 13.10.2022 has not been provided. Thus, on the sole ground, the impugned detention order is liable to be set aside.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M)Confdl.No.249/2022, dated 15.11.2022 passed



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by the second respondent is set aside. The detenu, viz., Santhanaraj, S/o.Santhanam, aged about 22 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.)
20.07.2023

NCC : Yes / No
Index : Yes / No

Yuva / RR

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.
- 2.The Joint Secretary to Government,
Public Law and Order,
Fort St.George, Chennai-600 009.
- 3.The District Collector and District Magistrate,
Thoothukudi District.
- 4.The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli District.



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



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**M.S.RAMESH, J.
AND
M.NIRMAL KUMAR, J.**

Yuva / RR

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