



H.C.P.(MD)No.38 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.01.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.38 of 2025

Ponnammal

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.

3.The Inspector of Police,
Eruvadi Circle,
Tirunelveli District.

4.The Sub Inspector of Police,
Thirukurungudi Police Station,
Tirunelveli District.

5.The Superintendent of Central Prison,
Palayamkottai Central Prison,
Tirunelveli.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records in relating to the impugned detention order in M.H.S.Confdl No.110/2024 dated 17.06.2024 passed by the 2nd respondent and to set aside the same and consequently to direct the respondents that to produce the detainee Shunmuga Sundaram, aged about 31 years, S/o.Paramasiva Thevar, who was termed as “Drug Offender” and who is now detained in the 5th respondent's prison before this Court and to set the detainee at his liberty.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.T.Senthilkumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner's son was detained as “Drug Offender” vide order dated 17.06.2024 by the second respondent.



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3.It is seen that the correct translation of the remand order was not furnished to the detenu. This has affected the detenu's right to make effective representation. Since we are satisfied that the detenu's right guaranteed under Article 22 of the Constitution of India has been breached, we quash the detention order.

4.In this view of the matter, we hold that the detenu's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

5.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
22.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 23.01.2025.



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Tirunelveli District.
- 5.The Superintendent of Central Prison,
Palayamkottai Central Prison,
Tirunelveli.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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