

H.C.P(MD)No.323 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2025

CORAM:

**THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Mr.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.323 of 2025

Venkateshwari

... Petitioner

Vs

1. The State of Tamilnadu, Rep By,
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records, connected with the detention order of the respondent No.2 in M.H.S.Confdl No. 08/2025 dated 19.01.2025 and quash the same and direct the respondents to produce the detenu by name Esakki Elango, S/o.Paramasivan, aged about 25 years, now detained in Palayamkottai Central Prison before this Court and set him at liberty.



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For Petitioner : Mr.R.Vinoth Bharathi

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor

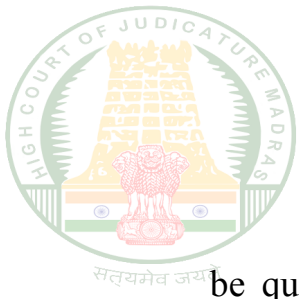
ORDER

(Order of the Court was made by C.V.KARTHIKEYAN,J.)

The petitioner is the mother of the detenu viz., Esakki Elango, S/o.Paramasivan, aged about 25 years. The detenu has been detained by the second respondent by Detention Order in M.H.S.Confdl No.08/2025 dated 19.01.2025 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. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to



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be quashed on the ground that the typed copy of the 'Remand Order' relied on by the Detaining Authority had not been served on the detenu, though the detenu sought a copy of the said document in his representation. Hence, it is submitted that the detenu was deprived of making effective representation.

4. The learned Additional Public Prosecutor appearing for the respondents has opposed this Habeas Corpus Petition by filing counter.

5. We however, hold that non-serving of the remand order had seriously prejudiced the right of the detenu to make effective representation. The detention order stands quashed.

6. The detention order has been quashed only because when the accused was produced on remand before the learned Judicial Magistrate No.III, Tirunelveli at 11.06 p.m., on 23.12.2024, the learned Judicial Magistrate No.III, Tirunelveli had remanded the accused by writing down the order in free hand. That particular order which had written down by the learned Judicial Magistrate No.III, had not been typed and placed before the Detaining Authority.



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7. We would therefore pass a direction that in future, the Detaining Authorities, may ensure that the Sponsoring Authorities place a request to the Court to type the remand orders, which are written in free hand and furnish the copies of the typed version to the Sponsoring Authorities. A general instruction in this regard may be issued.

8. In the result, the Habeas Corpus Petition is allowed. The detention order passed in M.H.S.Confdl No.08/2025 dated 19.01.2025, by the 2nd respondent, is set aside. Consequently, the detenu viz., Esakki Elango, S/o.Paramasivan, aged about 25 years, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

(C.V.K., J.) (R.V., J.)
17.09.2025

Index : Yes / No
NCC : Yes / No
Internet : Yes
vsm

Note: Mark a copy of this order to

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



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To

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Secretariat,
Chennai - 9.
2. The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.

and

R.VIJAYAKUMAR, J.

vsm

ORDER MADE IN
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17.09.2025