



HCP(MD)No.346 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

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CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

HABEAS CORPUS PETITION(MD)No.346 of 2025

M.Tamilselvi

... Petitioner/
Wife of the Detenu

vs.

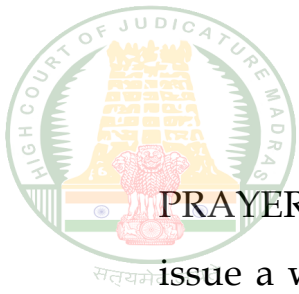
1.The State of Tamil nadu,
Represented by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

2.The District Collector & District Magistrate,
Office of the District Collector,
Thoothukudi,
Thoothukudi Distirct.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

4.The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi,
Thoothukudi District.

... Respondents



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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 impugned detention order passed by the 2nd respondent made in his proceedings in H.S(M).Confdl.No.135 of 2024 dated 10.12.2024 in detaining the detenu under Section 2(e) of the Tamil Nadu Act 14 of 1982 as a Drug Offender and quash the same and direct the respondents to produce the detenu namely Manikandan, S/o.Kannan, Male aged about 34 years, who is now detained in Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.V.Pandi

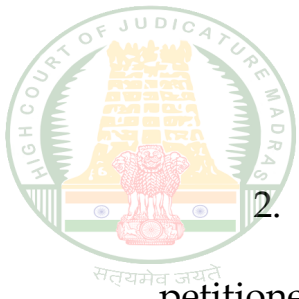
For Respondents: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The petitioner is the wife of the detenu viz., Manikandan, S/o.Kannan, aged about 34 years. The detenu has been detained by the second respondent by his order in H.S(M).Confdl.No.135 of 2024 dated 10.12.2024, 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. The learned counsel appearing for the petitioner would submit that the detention order suffers from non application of mind on the part of the detaining authority and thereby it is vitiated. He would submit that though in the ground of detention it has been stated that the petitioner's remand was further extended up to 16.12.2024, no document was placed either before the detaining authority or served on the detenu and thereby subjective satisfaction arrived without any details, which shown non application of mind in the part of the detaining authority. In this regard, the detaining authority has not sought for any explanation from the sponsoring authority and he has mechanically passed order without there being any explanation, thereby the entire detention order has been vitiated.

4. Learned Additional Public Prosecutor, on instructions, submitted that after satisfying with the materials placed by the



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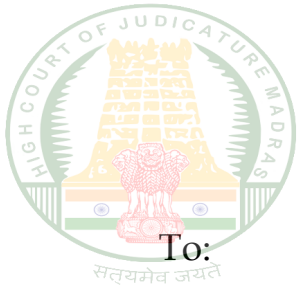
Sponsoring Authority, the Detaining Authority has passed the impugned detention order with proper application of mind and there is no illegality or infirmity in the detention order and hence, prayed for dismissal of the habeas corpus petition.

5. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority in passing the impugned detention order.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S(M).Confdl.No.135 of 2024 dated 10.12.2024, passed by the second respondent is set aside. The detenu, viz., Manikandan, S/o.Kannan, aged about 34 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[A.D.J.C, J.] [R.P, J.]
12.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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HCP(MD)No.346 of 2022

To:

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- 1.The State of Tamil nadu,
Represented by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector & District Magistrate,
Office of the District Collector,
Thoothukudi,
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- 3.The Superintendent of Prison,
Central Prison,
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- 4.The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

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ORDER MADE IN
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