



H.C.P.(MD)No.447 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
10.10.2025	23.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

H.C.P.(MD)No.447 of 2025

Ummal Salma

... Petitioner / Mother of the Detenu

VS.

- 1.State of Tamil Nadu Rep. by,
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
St. George Fort,
Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The Superintendent of Police,
Central Prison,
Thiruchirapalli – 620 020.



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4.The Inspector of Police,
Jegathapattinam Police Station,
Pudukottai.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Habeas Corpus, calling for the records to the detention order in P.D.O.No.03 / 2025, dated 10.02.2025, passed by the second respondent to produce the petitioner's son / detenu namely, Bava Bagurudeen @ Bagurudeen, S/o.Kamal Batcha, aged about 30 years, now confined in Central Prison, Thiruchirapalli, Trichy, before this Court and set him at liberty.

For Petitioner

: Mr.K.Subburaj
for Mr.C.M.Ramakrishnan

For Respondents

: Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

C.V.KARTHIKEYAN, J.

The petitioner is the mother of the detenu viz., Bava Bagurudeen @ Bagurudeen, aged about 30 years. The detenu has been detained by the second respondent in P.D.O.No.03/2025, dated 10.02.2025, holding him to be a 'Drug Offender', as contemplated under Section 2(e) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

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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 for the petitioner contended that the detenu was arrested on 12.01.2025, while the detention order was passed on 10.02.2025. He therefore submitted that there was an inordinate delay between the date of arrest and the date of the detention order, as well as from the date of the proposal till the date of the detention order. It was argued that the delay broke the live and proximate link between the alleged prejudicial activities and the order of detention. In support of this contention, reliance was placed on the judgment of the Hon'ble Supreme Court in **Sushanta Kumar Banik vs. State of Tripura**, reported in **2022 LiveLaw (SC) 813**.

4. In the present case, however, a perusal of the records shows that the sponsoring authority was required to collect relevant documents from various Courts and Investigating Agencies before submitting the proposal for detention.

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In this case, on the late night of 09.01.2025, information was received regarding the smuggling of narcotic substances *via* boat to Sri Lanka. Acting on this information, a container lorry was intercepted in the early hours of 10.01.2025, leading to the seizure of 340 kilograms of Ganja and the apprehension of certain individuals. Subsequent investigation revealed the involvement of the detenu, who was taken into custody on 12.01.2025.

5. Considering the magnitude of the contraband seized, a detailed investigation was necessary. Only after confirming the detenu's role in the offence did the authorities proceed to invoke preventive detention under the Tamil Nadu Act 14 of 1982. We are satisfied that a plausible and acceptable explanation has been offered for the time taken, and therefore, we find no merit in the contention that the detention order is vitiated by delay. There is no break in the live and proximate link between the prejudicial activity and the order of detention.

6. The next ground raised by the learned counsel for the petitioner was that the detention order was passed solely on the presumption that there was a possibility of the detenu being released on bail. A careful reading of the grounds



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of detention, however, reveals that the detaining authority had merely observed that there was a real possibility of the detenu being released on bail upon filing a bail application before the appropriate Court. This observation was made in the context of the overall assessment of the facts and was not the sole or primary ground for detention. We therefore find no infirmity in the order of detention on this ground.

7. The learned counsel for the petitioner further contended that the grounds of arrest were not communicated to the detenu. However, the judgments relied upon by the learned counsel pertain to arrests made in the normal course under criminal law, and not in the context of preventive detention. In preventive detention cases, the requirement is that the grounds of detention must be communicated to the detenu in a language known to him, enabling him to make an effective representation against the detention. In the present case, the detenu has acknowledged receipt of the grounds of detention, and we find that the procedural safeguards under Article 22(5) of the Constitution have been duly complied with. Accordingly, we find no merit in the grounds raised by the learned counsel for the petitioner.



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8. Further, in the instant case, a careful perusal of the records shows that arrest intimation was duly given to the detenu, and he had acknowledged the same by affixing his signature. Further, intimation was also sent to his mother through mobile number 8489831912. We are therefore satisfied that there has been sufficient compliance with the requirement of informing a relative or friend of the detenu regarding his arrest.

9. We do not, therefore, accept the contention raised by the learned counsel for the petitioner on this ground. In this connection, we place reliance on the judgment of the Full Bench of this Court in **N.Fathima @ Laila vs. State of Tamil Nadu, represented by the Additional Chief Secretary to Government, Home, Prohibition and Excise Department and Others**, reported in **CDJ 2024 MHC 2704 : 2024 (1) LW (CrI) 521**, wherein the issue of service of the arrest memo and intimation thereof was considered. It was held that non-service or defective service, in itself, would not be fatal to the detention order. The relevant portion of the said order reads as follows:-

"31. Hence, we answer Issue No:-1 as under:-

Non-Intimation of arrest to the relatives/friends in the ground case



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shall not be a ground to test the subjective satisfaction of the detaining authority. It shall be a point for consideration to test whether the detenu was anyway deprived of making effective representation against his detention. Failure to intimate the arrest in the ground case cannot be a ipso facto reason to hold the detention order illegal. In other words, non-intimation to relatives/friend about the arrest in ground case is not fatal to the detention order."

10. The learned counsel for the petitioner also submitted that certain pages in the paper book contained illegible copies of documents, and in this regard, referred to the documents at page numbers 11, 63, 70, 78, and 90.

11. Upon examination, we find as follows:

(i) The document at page No.11 is a Seizure Mahazar. Though handwritten, it is clearly legible.

(ii) The document at page No.63 is also a Seizure Mahazar. It is handwritten but readable and does not suffer from any material illegibility.

(iii) The document at page No.70 is the Confession Statement. Despite being handwritten, it is legible and understandable.



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(iv) The document at page No.78 is another Seizure Mahazar. We find it to be readable and sufficient for the purpose for which it has been relied upon.

(v) The document at page No.90 is yet another Seizure Mahazar. It is also legible and does not impair the detenu's ability to make an effective representation.

Therefore, we do not find any merit in the contention of the learned counsel for the petitioner that the documents furnished were illegible. This ground is accordingly rejected.

12. No other grounds have been raised by the learned counsel for the petitioner. We are not convinced with the grounds urged before us. Upon a thorough consideration of the submissions made and a careful perusal of the materials placed on record, we find no infirmity in the order of detention warranting interference by this Court. Accordingly, the Habeas Corpus Petition stands dismissed.

Index : Yes / No
NCC : Yes / No
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[C.V.K., J.] & [R.V., J.]
23.10.2025



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To

- 1.The Additional Chief Secretary to Government of Tamil Nadu,
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Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The Superintendent of Police,
Central Prison,
Thiruchirapalli – 620 020.
- 4.The Inspector of Police,
Jegathapattinam Police Station,
Pudukkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

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PRE-DELIVERY ORDER MADE IN
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23.10.2025

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