



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 11.11.2025

PRONOUNCED ON : 17.11.2025

CORAM:

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

H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

H.C.P.(MD)Nos.513 & 514 of 2025

Muthulakshmi

... Petitioner in
H.C.P.(MD)No.513/2025

Lourdhu Arputharaj

... Petitioner in
H.C.P.(MD)No.514/2025

-VS-

1. The State of Tamilnadu, Rep By,
The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner of Police,
Tirunelveli District,
Tirunelveli.
3. The Inspector of Police,



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

Palayamkottai Police Station,
Tirunelveli District.

4. The Superintendent of Police,
Central Prison,
Palayamkottai.

... Respondents in
H.C.P.(MD)Nos.513 & 514/2025

Prayer in H.C.P.(MD)No.513 of 2025: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent in No.23/BCDFGISSSV/2025 dated 22.03.2025 against the petitioner's husband, the detinue herein, now confined at Central Prison, Palayamkottai and set aside the same and direct the respondents to produce the detinue Thiru.Ganesh Muthukumar, S/o.Arumugapandi, aged about 37 years before this Court and set him at liberty.

Prayer in H.C.P.(MD)No.514 of 2025: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent in No.27/BCDFGISSSV/2025 dated 22.03.2025 against the petitioner's son, the detinue herein, now confined at Central Prison, Palayamkottai and set aside the same and direct the respondents to produce the detinue Thiru.Alex Sargunam, S/o.Lourdhu Arputharaj, aged about 27 years before this Court and set him at liberty.



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

H.C.P.(MD)No.580 of 2025

WEB COPY

Santha Kumari

... Petitioner

-VS-

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.

2. The Commissioner of Police,
Tirunelveli City,
Tirunelveli District,.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records pertaining to the detention order in No.24/BCDFGISSSV/2025 dated 22.03.2025 passed by the 2nd respondent and set aside the same by setting the detainee namely Murugaperumal, S/o.Natarajan, aged 27/2024 years and set him at liberty, now detained at Central Prison, Palayamkottai.

H.C.P.(MD)No.622 of 2025

Duraichi

... Petitioner

-VS-



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

1. State of Tamil Nadu, Rep. by
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Chennai – 600 009.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the respondent No.2 in No. 26/BCDFGISSSV/2025 dated 22.03.2025 and quash the same and direct the respondents to produce the detinue by name Sakthivel, son of Govindhasamy aged about 28 years, now detained in Palayamkottai Central Prison before this Court and set him at liberty forthwith.

H.C.P.(MD)No.663 of 2025

Rani

... Petitioner

-VS-

1. The State of Tamil Nadu, Represented by the
Additional Chief Secretary to the Government,
Home, Prohibition and Excise (IX) Department,
Secretariat, Chennai – 600 009.



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

2. The Commissioner of Police,
Tirunelveli City.

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

4. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the records relating to the impugned Detention Order No.25/BCDFGISSSV/2025 dated 22.03.2025 quash the same and direct the respondents to produce the person or body of the the detenue namely Ramesh, S/o.Mathialagan, aged about 24 years, now detained at Central Prison, Palayamkottai, Tirunelveli and set him at liberty.

H.C.P.(MD)No.819 of 2025

S.Kanniammal @ Susila

... Petitioner

-VS-

1. The State of Tamil Nadu,
Represented by the
Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

2. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in No.28/BCDFGISSSV/2025, dated 22.03.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son ie., Muthukumar, aged about 26 years, S/o.Ravi Subaiah, now detained at the Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

For Petitioners : Mr.S.Kumar in
H.C.P.(MD)Nos.513 and 514/2025
Mr.K.Sivabalan,
for M/s.Aran Legal Consultancy
in H.C.P.(MD)No.580/2025
Mr.R.Vinoth Bharathi
in H.C.P.(MD)No.622/2025
Mr.V.Sasikumar,
in H.C.P.(MD)No.663/2025
Mr.N.Pragalathan,
in H.C.P.(MD)No.819/2025



WEB COPY



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

For Respondents : Mr.A.Thiruvadikumar,
(In all H.C.Ps) Addl. Public Prosecutor

COMMON ORDER

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

The detenus had been detained by the second respondent by his orders in Nos.23/BCDFGISSSV/2025, 27/BCDFGISSSV/2025, 24/BCDFGISSSV/2025, 26/BCDFGISSSV/2025, 25/BCDFGISSSV/2025 and 28/BCDFGISSSV/2025, dated 22.03.2025, holding them to be “Drug Offenders” as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said orders are under challenge in these Habeas Corpus Petitions.

2. All the detenus were accused in FIR in Crime No.110 of 2025, registered by the Palayamkottai Police Station for the offence punishable under Sections 8(c), 20(b)(ii)(B), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985. The learned counsel for



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

the petitioners advanced arguments raising common grounds and therefore, a common order is passed.

3. We have heard the learned counsels appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

4. The first ground raised by the learned counsels for the petitioners is that several of the documents which had been submitted were hand written and that they were illegible. In this connection, a reference was drawn to the copies of the confidential report received and the documents relating to the search of the accused.

5. We have perused the records and though the said documents have been written in hand, they are in Tamil and are clearly legible and readable. We would therefore, reject this ground raised on behalf of the petitioners.



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

6. The second ground raised was again related to the confession of the accused, wherein it had been stated that the person making the confession and the co-accused identified the Ganja packets. After drawing attention to this particular portion, learned counsels pointed out that in the confession of the co-accused, the very same wordings were found and his name was also given. We hold that this cannot be ground to be urged to quash the detention order as this is only a document referred to by the Detaining Authority to arrive at subjective satisfaction.

7. The third ground raised is that several other documents particularly the documents relating to the seizure mahazar and the list of properties forwarded to the Magistrate were also written in free hand and not readable.

8. We have carefully perused the said documents and though they are written in hand, they are in Tamil and legible. We hold that by the provision of the documents of such nature, there has not been any



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

specific denial of opportunity to make effective representation. We would therefore, reject this particular ground also raised by the learned counsel for the petitioners.

9. The next ground raised on behalf of the petitioners is that there has been a defective translation with respect to the form of remand warrant. Any translation could only be a concise presentation of the original version and it is not a question of defective translation, but the essence has been properly translated and forwarded. We do not find that prejudice had been caused by the translated material which had been supplied to the detenus. This ground is also rejected by us.

10. The next ground is that the translation of the petition seeking bail wherein the serial number of the accused have not been properly given. We had examined the translated version and we are satisfied that the bail petition has been translated in a proper manner and there could always be a minor error but which could not be termed as denial of proper opportunity for making effective representation.



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

Moreover, the bail petition has been preferred only by the detenus by their counsels and therefore, they could not claim ignorance of the same.

11. The next ground raised by the learned counsel is with respect to the delay in passing the detention order. It has been claimed that there has been no direct link between the date of arrest and the date of passing of the detention order. A perusal of the records show that the detention order had been passed within around 30 days from the date of arrest of the accused. The Sponsoring Authority had to necessarily collect the documents from the Forensic Laboratory to satisfy himself about the nature of the contraband seized and the report which had been forwarded indicating that they were Ganja and he also had obtained a report from the Medical Officer about the effects of smoking Ganja. There has been no substantial delay in passing the detention order. We would therefore, reject this particular ground raised on behalf of the petitioners.



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

12. The next ground raised is that the contraband seized in the instant case was about 16 kgs and the Detaining Authority had referred to a parallel case wherein, there was a seizure of 1.200 kgs of Ganja and bail had been granted in that particular case and citing that as a possible precedent, the Detaining Authority had stated that there is a possibility of the detenus also coming out on bail. The learned counsel argued that the Detaining Authority should have taken into consideration the difference in the quantum of the contraband seized between the two cases.

13. The consideration for grant of bail remains the same for intermediate quantity. Here even though the quantity is substantial, the Detaining Authority can only look into the possibility of coming out on bail by comparing a similar case not necessarily of the same quantity of Ganja, but where the quantity is also categorised as intermediate quantity. Thus, we find no irregularity in examining the possibility of coming out of on bail, merely because, the quantity seized 16 kgs. The only subjective satisfaction which the Detaining Authority has to arrive at is to



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

examine whether normal criminal law would be sufficient to prevent the accused from indulging with similar activities or whether the nature of the offence requires passing of a preventive detention order. We hold that the Detaining Authority has properly evaluated the possibility of coming out of on bail and had stated that as a factor to come to subjective satisfaction to pass the detention order. We reject this ground raised on behalf of the petitioners.

14. The further ground raised by the learned counsel for the petitioners is about the delay in examining and passing orders on the representation. It had been contended that the representation was dated 08.05.2025 and the same had been rejected on 15.05.2025. In this connection, we had called for the original records from the office of the Commissioner of Police, Tirunelveli City and also from the Secretariat at Chennai. We had verified the records and we find that there has been no substantial delay in examining the file and in passing the rejection order. It had moved from desk to desk in the normal course and has been dealt with properly. We would therefore, reject this particular ground raised on behalf of the petitioners.



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

15. The next ground raised by the learned counsels for the petitioners is that a further representation had been given on 07.07.2025 and this had been rejected on 12.07.2025 and that there was a delay in passing the rejection order. As stated above, all these representations have been given nearly after four months after the passing of the detention order. As a matter of fact, the representations had also been given after the filing of the Habeas Corpus Petitions. Once the Court is in seizin of the matter, then the Government can never be expected to pass any order relating to the representations. We had, however, examined the files from the office of the Commissionerate at Tirunelveli City and from the Secretariat at Chennai and we find that there has been no delay in passing the order.

16. Further ground raised by the learned counsels for the petitioners is that the Detaining Authority had stated that the detenus had been in possession of the Ganja with intention to sell the same and that there was no material for such a conclusion reached by the Detaining Authority. We must however, point out that the quantity of Ganja seized



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

was about 16 kgms and certainly, the detenus would have been in possession of that quantity only to make profit of the same. The fact possession is an issue to be determined during trial. But the fact is that there has been substantial quantity of Ganja seized and recovered from the detenus. We find no infirmity in the conclusion reached by the Detaining Authority that the detenus would have been in possession only to make profit out of the contraband seized.

17. The further ground raised by the learned counsels for the petitioners is that there was no adverse case and there were no material produced that there was a possibility of coming out of on bail. We would again reiterate that grant or denial of bail is the discretion of the Court and the Detaining Authority could never predict that in a particular case, bail could be granted or that bail could be denied. The Detaining Authority can only examine the possibility of the bail being granted and the necessity therefore to pass the detention order. We find no infirmity in that conclusion reached by Detaining Authority. The learned counsels had placed reliance on the judgment of the Hon'ble Supreme Court in



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

S.L.P.(Crl)No.14740 of 2024 [Dhanyam Vs. State of Kerala & Ors.]

WEB COPY

There was a reference of an earlier decision of the Hon'ble Supreme Court reported in ***2024 SCC OnLine SC 367 [Nenavath Bujji etc. Vs. State of Telangana & Ors.]***, in which it had been observed as follows:

“18. Similarly, in Nenavath Bujji etc. v. State of Telangana & Ors., this Court observed :

“32. The crucial issue is whether the activities of the detenu were prejudicial to public order. While the expression ‘law and order’ is wider in scope inasmuch as contravention of law always affects order, ‘Public order’ has a narrower ambit, and could be affected by only such contravention, which affects the community or the public at large. Public order is the even tempo of life of the community taking the country as a whole or even a specified locality. The distinction between the areas of ‘law and order’ and ‘public order’ is one of degree and extent of the reach, of the act in question on society. It is the potentiality of the act to disturb the even tempo of life of the community which makes it prejudicial to the maintenance of the public order. If a contravention in its effect is confined only to a few individuals directly involved as distinct from a wide spectrum of public, it could raise problem of law and order only. In other words, the true



WEB COPY



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

distinction between the areas of law and order and public order lies not merely in the nature or quality of the act, but in the degree and extent of its reach upon society. Acts similar in nature, but committed in different contexts and circumstances, might cause different reactions. In one case it might affect specific individuals only, and therefore touches the problem of law and order only, while in another it might affect public order. The act by itself, therefore, is not determinant of its own gravity. In its quality it may not differ from other similar acts, but in its potentiality, that is, in its impact on society, it may be very different."

(Emphasis supplied)

18. It had been contended that the act of selling Ganja does not affect the public order and therefore, passing of the detention order stands vitiated. But, however, the explanation to the definition of 'public order' in Tamil Nadu Act 14 of 1982, extended to 'public health'. Smoking or consuming the Ganja naturally affects public health and therefore, we hold that the facts of this case is distinguishable. In the case relied on by the learned counsel, the detenue therein was detained as



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

a Goonda whereas in the instant case, the detenus had been detained as Drug Offenders.

19. The learned counsels for the petitioners placed reliance on the judgment in *H.C.P.(MD)No.1072 of 2025 [Mythili Vs. State of Tamil Nadu & Ors.]*, wherein one of us [C.V.Karthikeyan] was a member, wherein, the detention order had been quashed, when the remand order had been written down in free hand. We had examined the remand orders in the present case and we had already noted that they are readable and legible and moreover, the typed Tamil version and the English version had also been given. This is a distinguishing factor from the order cited by the learned counsels.

20. The learned counsels had also cited the judgment in *H.C.P.(MD)No.494 of 2025 [Mooli @ Balamurugan Vs. State of Tamil Nadu & Ors.]*, whrerein again one of us [C.V.Karthikeyan] was a member. In that particular case, since the list of properties sent to the Magistrate and furnished to the detenue were illegible, the detention



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

order had been quashed. We had, however, carefully perused the documents furnished relating to the seizure and the list of properties forwarded to the Magistrate and we had already observed that they are legible and readable. This is a significant distinguishing factor from the reasoning given in the earlier order.

21. The learned counsel for the petitioners had placed reliance on the judgment of this Court reported in *(2006) 1 LW (Crl) 369 [Rajeswari Vs. Secretary to Government and another]*, with respect to the delay in considering the representation. In the instant case, we had examined the files from the Commissionerate at Tirunelveli and also from the Secretariat at Chennai and we find that there has been no significant delay in examining the representation.

22. In H.C.P.(MD)No.513 of 2025, the representation had been received on 21.04.2025 and had been rejected on 23.04.2025 and communicated to the detenu on 25.04.2025.



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

23. In H.C.P.(MD)No.514 of 2025, the representation had been received on 22.04.2025 and had been rejected on 24.04.2025 and communicated to the detenu on 26.04.2025.

24. In H.C.P.(MD)No.580 of 2025, the representation had been received on 05.05.2025 and had been rejected on 07.05.2025 and communicated to the detenu on 09.05.2025. In this case, it had been contended that in the counter filed to the Habeas Corpus Petition, the date had been differently given. But we had verified with the original records and we find that that it had been rejected on 09.05.2025.

25. In H.C.P.(MD)No.622 of 2025, the representation had been received on 07.04.2025 and had been rejected on 09.04.2025 and communicated to the detenu on 11.04.2025. It must be noted that 10.04.2025 was a Government Holiday.

26. In H.C.P.(MD)No.663 of 2025, the representation had been received on 03.04.2025 and had been rejected on 07.04.2025 and



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

communicated to the detenu on 09.04.2025. It must be noted that 05.04.2025 and 06.04.2025 were Government Holidays. Even in this case, again it had been stated that further representation dated 02.05.2025 given by the wife of the detenu had been rejected on 15.05.2025 and that there was a delay and that in the counter, however, it had been stated that it had been rejected on 08.05.2025. We had examined the original records and we find that there has been no delay and it had been actually rejected on 08.05.2025.

27. In H.C.P.(MD)No.819 of 2025, the representation had been received on 14.07.2025 and had been rejected on 16.07.2025 and communicated to the detenu on 18.07.2025.

28. It is thus seen that in all the cases, the representations have been dealt with as expeditiously as possible and the delay cannot be said to be significant. We therefore, reject the ground advanced that there has been a delay in examining the representations given.



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

29. In view of the discussions above, we are of the opinion that no grounds have been raised to quash the detention orders in any of the above Habeas Corpus Petitions. Accordingly, all the Habeas Corpus Petitions stand dismissed.

[C.V.K., J.] [R.V., J.]

17.11.2025

vsm

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

WEB COPY

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner of Police,
Tirunelveli District,
Tirunelveli.
3. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
4. The Superintendent of Police,
Central Prison,
Palayamkottai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)Nos.513, 514, 580, 622, 663 and 819 of 2025

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

vsm

H.C.P.(MD)No.513, 514, 580, 622,
663 and 819 of 2025

17.11.2025