



H.C.P.(MD)No.878 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

CORAM

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

H.C.P.(MD)No.878 of 2024

Pandiyan

... Petitioner / Father of the Detenue

Vs.

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Theni District,
Theni.
- 3.The Superintendent,
Madurai Central Prison,
Madurai.

... Respondents

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 records connected with the detention order of the second respondent in Detention Order No.34/2024, dated 03.07.2024 and quash the same and direct the



H.C.P.(MD)No.878 of 2024

respondents to produce the petitioner's son body or person Rengaprabhu, Male, aged about 38 years S/o.Pandiyan, detained as a Drug Offender and lodged in Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.T.Senthil Kumar
Additional 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 03.07.2024. The representation dated 14.07.2024 was submitted for revoking the detention order.

3. The file was submitted on 18.07.2024. However, the Deputy Secretary dealt with the file on 26.07.2024. We notice that there is a delay of five days in considering the representation. There is no proper explanation for the same.



H.C.P.(MD)No.878 of 2024

WEB COPY

4.In this view of the matter, we hold that the detenue'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.,)
06.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

Note:Issue Order Copy on 07.01.2025.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Theni District,
Theni.
- 3.The Superintendent,
Madurai Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3/4



WEB COPY



H.C.P.(MD)No.878 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

rmi

H.C.P.(MD)No.878 of 2024

06.01.2025