



H.C.P.(MD)No.1009 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.01.2025

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

H.C.P.(MD)No.1009 of 2024

Subha Sri

... Petitioner / Wife of the Detenu

Vs.

1.State of Tamil Nadu,
Rep. by its 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 Superintend of Prison,
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, calling for the entire
records in detention order in D.O.No.36/2024 dated 08.07.2024 passed
by the 2nd Respondent herein and set aside the same as illegal and direct
the respondents to produce the body or person of petitioner's husband



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namely Ramkumar, Male aged 23 years, S/o.Balamurugan, (now detained as at Madurai Central Prison) before this Court and set him at liberty.

For Petitioner : Mr.S.Abdul Rahuman

For Respondents : Mr.T.Senthilkumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner was detained as “Drug Offender” vide order dated 08.07.2024 by the second respondent. Representation dated 23.07.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 29.07.2024. The Deputy Secretary dealt with the file on 05.08.2024. There is an unexplained delay of four days in dealing with the representation. We are satisfied that the detenu's right guaranteed under Article 22 of the Constitution of India has been infringed. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.



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2.In this view of the matter, we hold that the detenu's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

3.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
20.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 21.01.2025.

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 Superintend of Prison,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA, J.

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