

H.C.P.(MD)No.1048 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2025

CORAM

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

H.C.P.(MD)No.1048 of 2024

A.Santhanam

... Petitioner / Mother of the Detenue

Vs.

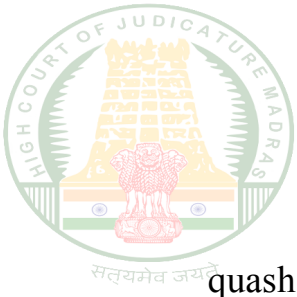
1.State of Tamil Nadu,
Rep. by its the Principal Secretary to Government,
Government of Tamil Nadu, Home Prohibition &
Excise Department,
Chennai-9.

2.The District Collector and District Magistrate,
Theni District,
Theni.

3.The Superintendent,
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 pertaining to the proceedings of the second respondent made in his proceedings in Detention Order No.37 of 2024, dated 08.07.2024 and



H.C.P.(MD)No.1048 of 2024

quash the same and set the petitioner's son by name Karthikeyan S/o.Ramar aged about 23 years at liberty from Central Prison, Madurai / third respondent.

For Petitioner : Mr.M.Jegadeesh Pandian

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 08.07.2024 by the second respondent. The representation dated 03.08.2024 was submitted seeking its revocation.

3. The Under Secretary dealt with the file on 08.08.2024. However, the Deputy Secretary dealt with the file on 16.08.2024. We notice that there is an unexplained delay of four days in considering the representation.



H.C.P.(MD)No.1048 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.,)
21.01.2025

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

Note:Issue Order Copy on 22.01.2025.

To:-

- 1.The Principal Secretary to Government,
Government of Tamil Nadu, Home Prohibition &
Excise Department,
Chennai-9.
- 2.The District Collector and District Magistrate,
Theni District,
Theni.
- 3.The Superintendent,
Central Prison,
Madurai.



H.C.P.(MD)No.1048 of 2024

WEB COPY

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.1048 of 2024

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

rmi

H.C.P.(MD)No.1048 of 2024

21.01.2025