



HCP(MD)No.899 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 08/12/2025

CORAM

THE HONOURABLE **MR JUSTICE G.K.ILANTHIRAIYAN**
AND
THE HONOURABLE **MS JUSTICE R.POORNIMA**

HCP(MD)No.899 of 2025

Petchiammal : Petitioner/Wife of the Detenu
Vs.

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

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tenkasi District.

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

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, calling for the entire records connected with the detention order of the respondent No.2 in Detention Order M.H.R.Confdl.No.15/2025, dated 15/03/2025 and quash the same and to direct the respondents to produce the body or person of the detenu by name Dinesh, son of Perumal, aged about 28 years, now confining as 'Drug Offender' at Palayamkottai Central Prison before this Court and sent him at liberty forthwith and pass such further or other orders.



HCP(MD)No.899 of 2025

For Petitioner : M/s.G.Janani
for Mr.R.Prakash
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN.J.**)

The petitioner is the wife of the detenu. The detenu has been detained by the second respondent by his order in M.H.R.Confdl. No.15/2025, dated 15/03/2025 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.

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 detenu was arrested on 15/02/2025 and remanded to judicial custody in pursuant to the registration of the FIR in Crime No.59 of 2025 on the file of the Puliyarai Police Station for the offence under Section



HCP(MD)No.899 of 2025

8(c) r/w 20(b), (ii)(B) of NDPS Act, 1985. Thereafter, the Investigating Officer recommended the detenu/accused for detaining him under Act 14 of 1982 and accordingly, the Detaining Authority detained the detenu under Act 14 of 1982, by the impugned order, dated 15/03/2025.

4.The learned counsel for the petitioner raised a specific ground that the order of detention was passed, on 15/03/2025, however, it was sent to the Government for approval only on 18/03/2025. Though, on 15/03/2025 (Saturday) and 16/03/2025 (Sunday) fell as holidays, the Detaining Authority failed to send the detention order, on 17/03/2025 and as such, there was a delay of 3 days in sending the detention order.

5.Section 3(3) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum-grabbers and Video Pirates Act, 1982 says that the detaining Authority shall forthwith report the detention order to the State Government together with the grounds and other necessary documents. In the case on hand, there was a delay of 3 days in sending the detention order for approval to the Government.



HCP(MD)No.899 of 2025

6. Though the learned counsel for the petitioner raised so many grounds, on the sole ground of delay, the detention order cannot be sustained and the same is liable to be quashed.

7. In the result, the Habeas Corpus Petition is **allowed** and the order of detention passed in M.H.R.Confdl.No.15/2025, dated 15/03/2025 by the second respondent is set aside. The detenu namely Dinesh, S/o.Perumal, aged about 28 years is directed to be released forthwith unless his detention is required in connection with any other case.

(G.K.I., J.) (R.P., J.)
08-12-2025

Index: Yes/No
Internet: Yes/No
er



WEB COPY



HCP(MD)No.899 of 2025

G.K.ILANTHIRAIYAN,J
and
R.POORNIMA,J

er

To,

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tenkasi District.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

HCP(MD) No.899 of 2025

08/12/2025