



H.C.P.(MD)No.1104 of 2024

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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.1104 of 2024

Elaiyaraja

... Petitioner / Detenue

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009.

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

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

... 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 entire records connected with the detention order of the second respondent in H.S.(M)Confdl.No.93 of 2024 dated 02.07.2024 and quash the same and



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direct the respondents to produce the body or person of the detenu by name Elaiyaraja S/o.Poologapandi, aged about 33 years, now detained as Drug Offender at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.Dr.R.Alagumani

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 herein was detained as drug offender vide order dated 02.07.2024 by the second respondent. The representation dated 27.08.2024 was submitted for revoking the detention order.

3. The Under Secretary dealt with the file on 09.09.2024. However, the Deputy Secretary dealt with the file on 13.09.2024. We notice that there is a delay of three days in considering the representation. There is no proper explanation for the same.



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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
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Note:Issue Order Copy on 07.01.2025.

To:-

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tiruenlveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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