

H.C.P.(MD)No.1105 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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Kalavathi

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by the Additional Chief Secretary
to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600009.

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

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, calling for the entire records,
connected with the detention order of the respondent No.2 in Detention



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order No.30/2025 dated 02.07.2025 and Quash the same and direct the Respondents to produce the detenu by name Parthiban, son of Goolpandi 50 years, now detained as “Drug Offender” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by ***C.V.Karthikeyan, J.***)

This petition has been filed seeking to produce the detenu Parthiban, who is the husband of the petitioner, who had been detained by an order of the second respondent dated 02.07.2025 in Detention Order No.30/2025, categorizing him as “Drug Offender”. He is now under detained in Madurai Central Prison.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the

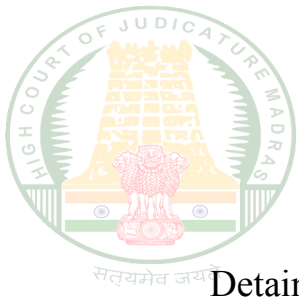


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respondents. We have also perused the records produced by the Detaining Authority.

3. The matter came up for admission on yesterday/11.09.2025. At that time, though the learned Additional Public prosecutor has taken notice and sought time to file counter, it had been informed by the learned counsel for the petitioner that the detenu was not served with copies of the documents, which were actually relied on by the Detaining Authority while passing the detention order. It had been contended that this was infraction of the mandatory condition imposed and stipulated in Section 8(1) of the 2(f) 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 (Tamil Nadu Act No.14 of 1982)' [hereinafter referred to as 'Act 14 of 1982']. That particular provision makes it mandatory for the Detaining Authority to provide not only the documents relied on by the Detaining Authority, but also the documents which were referred to by the



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Detaining Authority to the detenu within five days from the date of detention order.

4. To verify, we had called upon the learned Additional Public Prosecutor to produce the original records from the Central Prison at Madurai, from the custody of the Superintendent of Central Prison and it is seen that though it reflects that on 03.07.2025, II volumes had been received, the fact is that two copies of Volume II of the documents, which were referred to by the Detaining Authority alone had been handed over to the detenu and Volume I, which contains the documents which were relied on by the Detaining Authority had not been handed over to the detenu. Naturally, the detenu was handicapped in not giving any effective representation questioning the detention order and this is a direct violation of his personal right and liberty. It is also informed by the learned counsel for the petitioner that the detenu had immediately given representations complaining that Volume I documents had not been furnished to him, but still that had not been furnished him. We held that this ground has to be viewed very seriously and therefore, the detention order suffers and the same is liable to be quashed.



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5. The learned counsel for the petitioner also raised an issue of compensation to be paid, but we will leave that issue open to be addressed in the manner known to law, if a formal request in that regard is presented.

6. In the result, the Habeas Corpus Petition is allowed and the order of Detention Order No.30/2025, dated 02.07.2025, passed by the second respondent is set aside. The detenu, namely, Parthiban, S/o.Goolpandi, aged about 50 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[C.V.K., J.] [R.V., J.]

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vsm

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



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and
R.VIJAYAKUMAR, J.

vsm

To

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to the Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600009.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Theni District.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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