



HCP(MD)No. 1472 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and**

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.1472 of 2024

Samaran @ Saravanan

... Petitioner

vs.

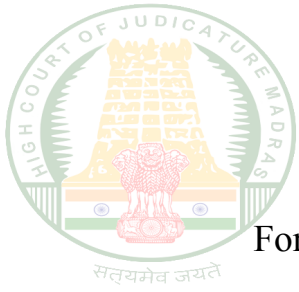
1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Secretariat, Chennai -600 009.

2. The District Magistrate and District Collector,
O/o. the District Magistrate and District Collector,
Karur District.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records, connected with the Detention order of the respondent No.2 in CrI.M.P.No.38 / 2024, dated 30.10.2024 and quash the same and direct the respondents to produce the petitioner's son body and person by name Samaran @ Saravanan, Son of Thiagarajan, aged about 31 years, now detained as “Drug Offender” at Trichy Central Prison, before this Court and set him liberty forthwith.



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For Petitioner : Mr.S. Ramesh Kumar

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

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ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

The petitioner is the detenu viz., Samaran @ Saravanan, Son of Thiagarajan, aged about 31 years. The detenu has been detained by the second respondent by his order in CrI.M.P.No.38 / 2024, dated 30.10.2024 holding him to be a "Drug offender", as contemplated under Section 2(e) of 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 learned counsel appearing for the petitioner submits that the petitioner is not at all connected with the case in Crime No.1583 of 2021, Registered by the Karur Town Police Station, whereas at paragraph No.5, the detaining authority has observed that as if the petitioner was arrested in Crime No.1583 of 2021, he had filed bail application in CrI.M.P.No.5581 of 2024. In



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such circumstances, the detaining authority vitiated the detention order on

WEB account of non application of mind.

4. Learned Additional Public Prosecutor, on instructions, submitted that after satisfying with the materials placed by the Sponsoring Authority, the Detaining Authority has passed the impugned detention order with proper application of mind and there is no illegality or infirmity in the detention order and hence, prayed for dismissal of the habeas corpus petition.

5. On perusal of the records, it is evident that the petitioner is not at all connected with the case in Crime No. 1583 of 2021. However, the detaining authority has erroneously passed an order stating that the petitioner is involved in Crime No. 1583 of 2021. Therefore, the detention order stands vitiated on the ground of non-application of mind.

6. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of non-application of mind on the part of the detaining authority in passing the impugned detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of



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detention passed in Crl.M.P.No.38 / 2024, dated 30.10.2024, passed by the

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second respondent is set aside. The detenu, viz., Samaran @ Saravanan, Son of Thiagarajan, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[A.D.J.C., J.] [R.P., J.]
18.07.2025

Index : Yes / No
Neutral Citation : Yes / No
trp

To:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Secretariat, Chennai -600 009.

2. The District Magistrate and District Collector,
O/o. the District Magistrate and District Collector,
Karur District.

3. The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

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



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**A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.**

trp

**ORDER MADE IN
HCP(MD)No.1472 of 2024**

DATED : 18.07.2025