



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :24.03.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

H.C.P(MD)Nos.1537 of 2024 and 148 of 2025

- | | |
|----------------|--|
| 1.Muralidharan | ... Petitioner/husband of the detenu in H.C.P
(MD)No.1537 of 2024 |
| 2.Susila Devi |Petitioner/Mother or the detenu in H.C.P
(MD)No.148 of 2025 |

.Vs.

- | | |
|---|---------------------------------|
| 1.The State, represented by its
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009. | |
| 2.The District Collector and the District Magistrate,
Tiruchirappalli District. | |
| 3.The Superintendent of Prison
The Speial Prison for Women,
Tiruchirppalli District. | ... Respondents in both H.C.Ps. |

PRAYER in H.C.P(MD)No.1537 of 2024: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the records



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of the second respondent in Detention Order in Cr.M.P.No.13/2024, dated 19.8.2024 and to quash the same as illegal and consequently to direct the respondents to produce the body or person or the detenu namely, Kokila, wife of Muralidharan, aged about 26 years, who is now detained at the Special Prison for Women, Tiruchirappalli and set her at liberty.

PRAYER in H.C.P(MD)No.148 of 2025: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the records of the second respondent in Detention Order in Cr.M.P.No.12/2024, dated 16.8.2024 and to quash the same as illegal and consequently to direct the respondents to produce the body or person or the detenu namely, Kavitha, daughter of Shanmugam, aged about 45 years, who is now detained at the Special Prison for Women, Tiruchirappalli and set her at liberty.

For Petitioner : Mr.J.Vijayaraja
in both H.C.Ps'

For Respondents : Mr.A.Thiruvadi Kumar
1 to 3 Addl.Public Prosecutor
in both H.C.Ps'

COMMON ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

H.C.P(MD)No.1537 of 2024 is filed seeking issuance of a Writ of Habeas



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Corpus to call for the records of the second respondent in Detention Order in Cr.M.P.No.13/2024, dated 19.8.2024 and to quash the same as illegal and consequently to direct the respondents to produce the body or person or the detenu namely, Kokila, wife of Muralidharan, aged about 26 years, who is now detained at the Special Prsn for Women, Tiruchirappalli and set her at libertt, whereas H.C(MD)No.148 of 2025 is filed seeking issuance of a Writ of Habeas Corpus to call for the records of the second respondent in Detention Order in Cr.M.P.No.12/2024, dated 16.8.2024 and to quash the same as illegal and consequently to direct the respondents to produce the body or person or the detenu namely, Kavitha, daughter of Shanmugam, aged about 45 years, who is now detained at the Special Prsn for Women, Tiruchirappalli and set her at liberty. call for the records of the second respondent in Detention Order in Cr.M.P.No.12/2024, dated 16.8.2024 and to quash the same as illegal and consequently to direct the respondents to produce the body or person or the detenu namely, Kavitha, daughter of Shanmugam, aged about 45 years, who is now detained at the Special Prsn for Women, Tiruchirappalli and set her at liberty.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Habeas Corpus Petitions filed on behalf of the detenues on the ground that the detenus were confined in prison on 25.2.2025 in connection with a solitary case in Crime NO.162 of 2024 for the offence under Section 8(c) r/w 20(b) (ii)(c) of NDPS Act, 1985 for possession of about 21 kgs of Kanja from one Kavitha and Kokila based on their confession, these two persons were arrested. It is a solitary case against the detenus which has prompted the Sponsoring Authority to detain them Under Act 14 of 1982. The said detention orders dated 16.8.2024 and 19.8.2024 are challenged on various grounds, particularly, that there is no live proximity by the arrest of the accused and the detention order.

4. The learned counsel for the Petitioners state that after six months of the arrest in the NDPS offence for the alleged possession or commercial quantity of Ganja, the Detention Orders came to be passed with unexplained delay of six months. The detention orders are silent about the possibility of getting bail since



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these two detenues had never applied for leave in view of Section 37 of NDPS Act.

5. The learned counsel for the second respondent filed a counter stating that the detention orders and the delay in passing the detention orders are according to the facts provided by the detaining authority and the prevention detention been made to gain confidence of the general public for the act of the detenues.

6. This Court, considering the catena of judgments on the doctrine of live proximity holds that the detention orders suffer from non-application of mind and hence the detention orders are liable to be quashed.

7. In fine, the Habeas Corpus Petitions are allowed. The detention orders in Cr.M.P.Nos.12 and 13 of 2024 dated 16.8.2024 and 19.8.2024 passed by the second respondent, are set aside. Consequently, the detenus, namely, Kokila, wife of Muralidharan, aged about 26 years and Kavitha, daughter of Shanmugam, aged about 45 years, who



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are now detained at the Special Prison for Women, Tiruchirappalli
are directed to be released forthwith, unless their presence or
custody or detention is required in connection with any other case.

[G.J.,J.] [R.P.,J.]
12.03.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

- 1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector and the District Magistrate,
Tiruchirappalli District.
- 3.The Superintendent of Prison
The Speial Prison for Women,
Tiruchirppalli District.

Copy to

The Additional Public Prosecutor,

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Madurai Bench of Madras High Court,
Madurai.

DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

COMMON ORDER MADE IN

H.C.P(MD)Nos1537 of 2024
and 148 of 2025



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24.03.2025