



HCP(MD)No. 1568 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.08.2025

CORAM:

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

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.1568 of 2024

Santhi

... Petitioner

vs.

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

2. The District Magistrate and District Collectorate,
Thanjavur District, Thanjavur.

3.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

4.The Superintendent of Prison,
Central Prison,
Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records, relating to the detention order passed by the 2nd respondent in Detention order in P.D.No.58 / 2024 dated 17.11.2024 and quash the same and direct the respondents to produce the detainee Sivakumar, Son of Raja, Male aged 45 years who is detained at Central



HCP(MD)No. 1568 of 2024

Prison, Trichy, before this Court and set him at liberty forthwith.

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For Petitioner : Mr.R. Mariappan

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

O R D E R

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

The petitioner is the wife of the detenu viz., Sivakumar, Son of Raja, aged 45 years. The detenu has been detained by the second respondent by his order in P.D.No.58 / 2024 dated 17.11.2024, 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 would submit that, though in paragraph No. 7 of the grounds of detention it is stated that Tmt. Santhi, wife of Sivakumar, is taking action to take out her husband Sivakumar, on bail in the ground case wherein there is no material evidence to substantiate



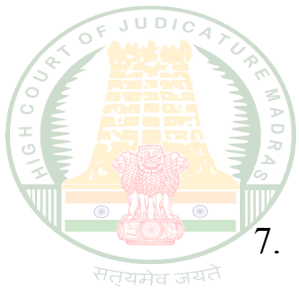
HCP(MD)No. 1568 of 2024

this claim. Therefore, it is evident that the detaining authority, without sufficient material, has mechanically arrived at the subjective satisfaction based solely on the information provided by the sponsoring authority. As such, the entire detention order stands vitiated and is liable to be set aside.

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. Considering the submissions made by the learned counsel for the petitioner and on perusal of the records, we find that there is nothing on record to show that Tmt. Santhi, wife of Sivakumar, is taking steps to take out her husband viz., Sivakumar, on bail in the ground case. Therefore, the detention order is 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.



HCP(MD)No. 1568 of 2024

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.58 / 2024 dated 17.11.2024, passed by the second respondent is set aside. The detenu, viz., Sivakumar, Son of Raja, aged 45 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.]
05.08.2025

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 Collectorate,
Thanjavur District, Thanjavur.

3. The Inspector of Police,
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4. The Superintendent of Prison,
Central Prison,
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5. The Additional Public Prosecutor,
Madurai Bench of Madars High Court, Madurai.



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HCP(MD)No. 1568 of 2024

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

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**ORDER MADE IN
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DATED : 05.08.2025