



WEB COPY



H.C.P.No.1777 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1977 of 2025

Sharmila

... Petitioner

Vs.

1. The State of Tamilnadu,
represented by Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai – 600 009.
2. The District Magistrate and District Collector,
Erode District, Erode.
3. The Superintendent of Police, Erode District, Erode.
4. The Prison Superintendent, Central Prison, Coimbatore.
5. The Inspector of Police,
Erode North Police Station, Erode.

....Respondents

Prayer: This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India to issue Writ of Habeas Corpus to call for the records relating to the detention order dated 02.08.2025 passed by the second respondent in his proceedings in Cr.M.P.No.40/DRUG OFFENDER/2025 C1 and quash the same and direct the respondents herein to produce the petitioner's husband namely Karan, son of Ganesan, aged about 27 years, who is presently undergoing detention in the Central Prison, Coimbatore, as Drug Offender before this Court and set him at liberty forthwith.



WEB COPY



H.C.P.No.177 of 2025

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.R.Muniyapparaj, Addl. Public Prosecutor,
Assisted by Mr.M.Sylvester John

ORDER

The petitioner, who is the wife of the detenu viz. Karan, son of Ganesan, aged about 27 years, has come forward with this petition challenging the detention order passed by the second respondent dated 02.08.2025 bearing Cr.M.P.No.40/DRUG OFFENDER/2025 C1 under Sub Section (1) of Section 3 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 14 of 1982] r/w the order issued by the Government in G.O.(D) No.203, Home, Prohibition and Excise (XIV) Department, dated 16.07.2025 under Sub Section (2) of Section 3 of the said Act.

2 According to learned counsel for the petitioner, the translated version of the Government Order has not been furnished to the detenu. Further there is no date mentioned in the special report furnished to the detenu. Hence the detenu could not make effective representation against the detention order. Therefore the detention order is liable to be quashed.



H.C.P.No.177 of 2025

WEB COPY

3 Learned Additional Public Prosecutor submitted that the detaining authority, after due consideration of the materials produced by the sponsoring authority, arriving at subjective satisfaction and detained the detainee as “Drug Offender”.

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

5 It is seen that the detention order was passed on 02.08.2025 and subsequently copies have been served to the detainee, in which, as pointed out by the learned counsel for the petitioner, translated copy of the Government Order has not been annexed and there is no date mentioned in the Special Report furnished to the detainee, which are all obviously deprived the rights of the detainee from making effective representation and the same also caused serious prejudice to the detainee. Therefore we are inclined to set aside the detention order.

6 Accordingly, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 02.08.2025 bearing Cr.M.P.No.40/DRUG OFFENDER/2025 C1 detaining the petitioner’s husband Karan, son of Ganesan, aged



H.C.P.No.1277/2025

about 27 years, who is confined at the Central Prison, Coimbatore, is hereby set aside and the detenu Karan, son of Ganesan, aged about 27 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[PVJ]

[MJRJ]

26.02.2026

cgi

To

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai – 600 009.
2. The District Magistrate and District Collector,
Erode District, Erode.
3. The Superintendent of Police, Erode District, Erode.
4. The Prison Superintendent, Central Prison, Coimbatore.
5. The Inspector of Police,
Erode North Police Station, Erode.
6. The Additional Public Prosecutor, Madras High Court.



WEB COPY



H.C.P.No.1977 of 2025

P.VELMURUGAN. J.
and
M.JOTHIRAMAN, J.

cgi

H.C.P.No.1977 of 2025

26.02.2026