



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.28 of 2026

Lakshmi

.. Petitioner / wife of the
detenu

Vs.

1.The State of Tamil Nadu,
represented by
the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
Theni District,
Theni.

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

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India. to issue
a writ of Habeas Corpus, to call for the records pertaining to the impugned



WEB COPY

detention order No.72/2025 dated 28.11.2025 in detaining the detenu under Section 3(1) of the Tamil Nadu Act 14 of 1982 as a Drug Offender and quash the same and direct the respondents to produce the detenu namely Seetharaman, male S/o.Kalyanasundaram, aged about 61 years, who is detained in CEntral Prison, Madurai before this court and set him at liberty.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the wife of the detenu, by name, Seetharaman , S/o. Kalyanasundaram, aged about 61 years. The detenu has been detained by the second respondent by his order in detention order No.72/2025 dated 28.11.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of the 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.

WEB COPY

3. Apart from the other grounds raised by the learned counsel appearing for the petitioner, one of the main ground that was raised is that the detenu was arrested on 28.10.2025, whereas, the detention order was passed only on 28.11.2025. There is a delay of 30 days in passing the detention order and this delay is totally unexplained.

4. In our considered view, the issue is squarely covered by the judgment of the Hon'ble Apex Court in the case of ***Sushanta Kumar Banik Vs. State of Tripura and Others*** reported in ***2022 SCC Online SC 1333***.

5. The detention order is vitiated due to the fact that there was a solitary case and the live and proximate link between the grounds of detention and the purpose of the detention is completely absent. Hence, this Court is inclined to interfere with the detained order passed by the second respondent.



WEB COPY

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in detention order No.72/2025 dated 28.11.2025 passed by the second respondent is set aside. The detenu, viz., Seetharaman, S/o. Kalayanasundaram, aged about 61 years, is directed to be released forthwith unless her detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.)
30.04.2026

Index : Yes / No

Internet : Yes / No

RR

To

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
Theni District,
Theni.

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

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



WEB COPY



**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

RR

H.C.P.(MD)No.28 of 2026

30.04.2026