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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.124 of 2026

Surekha

.. Petitioner / daughter-in-law
of the detenu

Vs.

1.The State of Tamil Nadu,
Rep by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai - 9.

2 The Commissioner of Police / Detaining Authority,
Tiruchirappalli City, Tiruchirappalli District.

3.The Superintendent,
Special Prison For Women,
Tiruchirappalli District.

4.The Inspector of Police,
E.Pudur Police Station,
Trichy City,
Tiruchirappalli District.

.. Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records relating to the detention order in C.No.77/Detention/C.P.O/T.C/2025, dated 11.10.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the body or person of the detenue namely Dhavamani, W/o.Ganesan, female, aged about 64 years, now confined at Special Prison for Women, Tiruchirappalli, Tiruchirappalli District before this Court and set him at liberty.

For Petitioner : Mr.A.M.B.Mathubalan

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

ORDER

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

The petitioner is the daughter-in-law of the detenu, by name Dhavamani, W/o.Ganesan, female, aged about 64 years. The detenu has been detained by the second respondent by her order in C.No.77/Detention/C.P.O/T.C/2025, dated 11.10.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of the Tamil Nadu Prevention Detention Act, 1982 (Tamil Nadu Act 14 of 1982). The said order is under challenge in this Habeas Corpus Petition.



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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. 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 05.09.2025, whereas, the detention order was passed only on 11.10.2025. There is a delay of 36 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.



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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.77/Detention/C.P.O/T.C/2025, dated 11.10.2025, passed by the second respondent is set aside. The detenu, viz., Dhavamani, W/o.Ganesan, female, aged about 64 years, is directed to be released forthwith unless her detention is required in connection with any other case.

(N.A.V.,J..) (P.D.B.,J.)
18.03.2026

Index : Yes / No

Internet : Yes / No

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- 1.The Additional Chief Secretary to Government,
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Trichy City,
Tiruchirappalli District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

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