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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.222 of 2026

Tamilselvi

.. Petitioner / Mother of the detenu

Vs.

1.State of Tamilnadu,

Represented by its Additional Chief Secretary
to Government,
Prohibition and Excise Department,
Fort St George, Chennai - 600 009.

2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Prison,
Central Prison Palayamkottai,
Tirunelveli District.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the entire records leading to the detention of the petitioner" son namely Uthandumurugan, S/o.Karuppasamy aged 25 years, vide detention order dated 13.10.2025 made in H.S.



(M)Confdl.No.111/2025 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondents to produce the body or person of the detenu now detained at Central Prison, Palayamkottai, Tirunelveli, before this Court and set him at liberty.

For Petitioner : Mr.S.Vishnuvardhan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, by name, Uthandumurugan, S/o.Karuppasamy, aged about 25 years. The detenu has been detained by the second respondent by his order in H.S.(M)Confdl.No. 111/2025, dated 13.10.2025, 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.

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.

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3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that there were three adverse cases, out of which, one case was involving an intermediate quantity of 2 kgs, for which, FIR was registered in Crime No.278 of 2024 and other two adverse cases were involving IPC offences. The ground case involved 1.5 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.642 of 2025. The detenu was arrested on 12.09.2025, whereas, the detention order was passed only on 13.10.2025.

4. It was contended that in both cases, intermediate quantity was involved, whereas the Detaining Authority in a casual manner has passed the detention order in a case where such an order is not warranted.

5. We are of the view that both in the adverse case as well as in the ground case, the quantity that is alleged to have been seized is only an intermediate quantity. Hence, it is not a serious offence under the NDPS



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Act, since it does not involve any commercial quantity, warranting passing of a detention order and the detenu could have been dealt with under regular penal law that is already available and there was no need for resorting to detention order under Act 14 of 1982.

6. For this purpose, we rely on the judgment in ***Rekha vs. State of Tamil Nadu (2011 (5) SCC 244)***.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M)Confdl.No.111/2025, passed by the second respondent is set aside. The detenu, viz., Uthandumurugan, S/o.Karuppasamy, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.,)
09.04.2026

Index : Yes / No
Internet : Yes / No

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Madurai Bench of Madras High Court,
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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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