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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.460 of 2026

Pathmavathi

... Petitioner

Vs

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

2. The District Magistrate And,
District Collector, O/o.The District
Collector and District Magistrate,
Dindigul District..

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

4. The Superintendent of Police,
O/o.Superintendent of Police,
Dindigul District..



5. The Inspector of Police,
Batlagundu Police Station,
Dindigul District..

... Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to call for the records in pursuant to the proceedings of the 2nd respondent in Detention order No.58/2025 dated 09.10.2025 and quash the detention order as illegal and produce the body of the petitioner's son named Lakshmi Narayanan (43/2026), S/o.Venkatachalapathy now confined at Central Prison, Madurai District before this court and set him at liberty forthwith.

For Petitioner : Mr.P.Manikandan

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, Lakshminarayanan, son of Venkatachalapathy, aged about 43 years. The detenu has been detained by the second respondent by his order in Detention order No.58/2025 dated 09.10.2025 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.



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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. 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 two adverse cases involving small quantity of 500 gms and 0.0010 gms of ganja, for which, FIRs were registered in Crime Nos.21 of 2025, 263/2025 respectively. The ground case involved 4.5 kgs of ganja, which is also an intermediate quantify for which, FIR was registered in Crime No.373 of 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



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 Detention order No.58/2025 dated 09.10.2025 passed by the second respondent is set aside. The detenu, viz., Lakshminarayanan, son of Venkatachalapathy, aged about 43 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.,)
30.04.2026

Index : Yes / No
Internet : Yes / No
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Chennai - 9..

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Dindigul District..

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



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

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