



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.06.2026

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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.523 of 2026

Senthilkumar

.. Petitioner / Father of the detenu

Vs.

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

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

3.The Chairman,
Advisory Board,
Zonal Office,
Madurai Corporation,
Anaiyur, Koodal Post,
Near Bus Stand, Madurai.

4.The Superintendent,
Central Prison,
Madurai 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 entire records relating to the order of detention passed by the 2nd respondent in his proceedings in Detention Order No.116/2025, dated 15.12.2025 branding the petitioner's son/detenu namely Palpandi, aged about 26 years, S/o.Senthilkumar, as Drug Offender, under 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) read with order issued by the Government in G.O.(D) No.292, Home, Prohibition and Excise (XVI) Department, dated 14.10.2025 under Sub-Section (2) of Section 3 of the said Act and quash the same as illegal and direct the respondents to produce the detenu, who is confined in the fourth respondent's Central Prsion, Madurai before this Court and set him at liberty forthwith.

For Petitioner : Mr.J.Pooventherarajan

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of TN (Crl.Side)

ORDER

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

The petitioner is the father of the detenu, by name Palpandi, aged about 26 years, S/o.Senthilkumar. The detenu has been detained by the



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second respondent by his order in Detention Order No.116/2025, dated 15.12.2025 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.

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 was one adverse case involving an intermediate quantity of 2 kgs, for which, FIR was registered in Crime No.438 of 2025. The ground case involved 5 kgs of ganja, which is also an intermediate quantity for which, FIR was registered in Crime No.592 of 2025. The detenu was arrested on 24.11.2025, whereas, the detention order was passed only on 15.12.2025.



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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.116/2025, dated 15.12.2025 passed by the second respondent is set aside. The detenu, viz., Palpandi, aged about 26



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years, S/o.Senthilkumar, 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.,)
15.06.2026

Index : Yes / No
Internet : Yes / No

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To

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- 2.The District Magistrate and District Collector,
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- 5.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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