

(2025) 12 MAD CK 0038

Madras HC

Case No: Habeas Corpus Petition (MD) No. 1107 Of 2025

Sundari

APPELLANT

Vs

State Of Tamil Nadu And Others

RESPONDENT

Date of Decision: Dec. 2, 2025

Acts Referred:

- Tamil Nadu Prevention Of Dangerous Activities Of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders And Slum- Grabbers, Act, 1982-Section 2(e)

Hon'ble Judges: G.K.Ilanthiraiyan, J; R.Poornima, J

Bench: Division Bench

Advocate: K.M.Karunakaran, T.Senthil Kumar

Final Decision: Allowed

Judgement

G.K.Ilanthiraiyan, J

1. The petitioner is the wife of the detenu viz., Chandrasekar @ Chandhru Bondhru, S/o.James, male, aged about 33 years. The detenue was detained by the second respondent by order in C.No. 47/Detention/C.P.O/T.C/2025, dated 23.04.2025, 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.

3.The learned counsel appearing for the petitioner has raised a sole ground, namely, that the order of detention was passed by the second respondent by citing only one case as the ground case, though adverse cases were stated to exist against the detenu. According to him, this amounts to complete non-application of mind on the part of the Detaining Authority.

4. On perusal of the grounds of detention, it is seen that the second respondent has referred to Crime No.132 of 2025 as the ground case for detaining the detenu under Act 14 of 1982 and has further stated that he relied upon the materials placed before him in respect of the ground case as well as past cases. However, the detenu was not served with any of the records in respect of the past cases and the second respondent has failed even to mention the past cases either in the order of detention or in the grounds of detention. This clearly shows that the order of detention was passed without due application of mind. On this sole ground, the impugned order of detention cannot be sustained and is liable to be set aside.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.47/Detention/C.P.O/TC/2025 dated 23.04.2025, passed by the second respondent is set aside. The detenu namely, Chandrasekar @ Chandhru Bondhru, S/o. James, male, aged about 33 years, is directed to be released forthwith, unless his detention is required in connection with any other case.