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H.C.P.No.360 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.360 of 2024

S. Nagamalli

... Petitioner

Vs.

1.The Government of Tamil Nadu

Represented by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai 04

3. The Superintendent,
Central Prison, Puzhal,
Chennai 600 066.

4. Inspector of Police,
D-3,Ice House Police Station,
Chennai.

... Respondents



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Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Habeas Corpus, calling for the records relating to the proceedings of the 2nd respondent in 559/BCDFGISSSV/2023 dated 08.11.2023 against the detenu Sasikumar, Son of Madurai, aged about 38 years and quash the same and consequently direct the respondents to produce the detenu who has been detained under Tamil Nadu Act 14 of 1982, currently confined at Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For petitioner : Mr.K. Shanmugam
For Respondents : Mr.E. Raj Thilak
Additional Public Prosecutor
Assisted by Aravind.C

ORDER

M.S.RAMESH, J.

and

SUNDER MOHAN, J.

The petitioner, wife of the detenu namely Sasikumar, aged about 38 years, Son of Madurai, has come forward with this petition challenging the detention order passed by the 2nd respondent, dated 08.11.2023 slapped on her husband, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].



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WEB COPY 2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

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 the detention order was passed on 08.11.2023 and the grounds of detention ought to have been served within five days, i.e., on or before 12.11.2023. However, it was served on the detenu only on 13.11.2023 and therefore, there is a delay of six days in serving the booklet to the detenu. On the said sole ground, he contended that the detention order is liable to be set aside.

4. Perusal of the record would go to show that the detention order was passed on 08.11.2023 and the booklet was served on the detenu only on 13.11.2023. Section 8(1) of the Tamil Nadu Act 14 of 1982 states that, when a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but not later than five days from



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the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government. In the present case, it is seen that the booklet has been served on the sixth day and hence, the detention order is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.559/BCDFGISSSV/2023 dated 08.11.2023 passed by the second respondent is set aside. The detenu, viz., Sasikumar, aged about 38 years, Son of Madurai, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R., J.) (S.M., J.)
18.03.2024

bga

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Index : Yes / No
Neutral Citation : Yes / No



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To

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3. The Superintendent,
Central Prison, Puzhal,
Chennai 600 066.
4. Inspector of Police,
D-3, Ice House Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.



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