



WEB COPY



HCP.No.1131 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

H.C.P.No.1131 of 2024

Selvi

.... Petitioner

Vs

- 1 The Advisory Board
(TN Act 14, 1982 & National Security Act,
1980) Singaravelar Malaigai,
Ground Floor, Collectorate 32,
Rajaji Salai Chennai-600 001.
- 2 The Additional Chief Secretary to Government,
Home, Prohibition And Excise Department,
Secretariat, Chennai-9.
- 3 The District Collector,
Thiruvallur District,
Thiruvallur.
- 4 The Superintendent of Police
Civil Supplies CID Wing,
Chennai.



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5 The Superintendent
Central Prison, Puzhal,
Chennai.

6 The Commissioner of Police,
Avadi City, Chennai

7 The Inspector of Police
Civil Supplies CID Wing,
Thiruvallur

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records leading to the detention of the petitioner's Father Srinivasan S/o.Jagannathan, Cr.No.157/2024 u/s 6(4) of TNSC (RDCS) order 1982 r/w 7(1) (a) (ii) of EC Act Vide Detention order dated 08/05/2024 on the file of the 6th respondent herein made in Preventive Detention Order No.3 Black Marketing Act /2024 and quash the same as illegal and consequently direct the respondents herein to produce the body of the detenue now confined at Central Prison, Puzhal before this Hon'ble Court.

For Petitioner : Mr. K. Kathiresan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

WEB COPY (Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the Commissioner of Police, Avadi City, Chennai, in Detention Order No.3/Black Marketing Act /2024 dated 08.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The order of detention sought to be assailed and the fact as narrated would reveal that, there is a delay of 20 days in considering the representation by the State Government.

3. The delay in considering the representation and the period during which the detenu was under detention would be construed as violation of the Constitutional mandatory under Article 22 of Constitution of India and thus, the ground of delay in considering the representation became fatal in the case of preventive detention.

4. Hence, for the aforesaid reason, the detention order passed by the second



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respondent in Detention Order No.3/Black Marketing Act /2024 dated 08.05.2024

is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Srinivasan S/o.Jagannathan, aged about 56 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

12.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

mrp

To

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**S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.**

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