



WEB COPY



HCP.No.1241 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM :

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

H.C.P.No.1241 of 2024

D.Bhavani

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep.by the Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police (Goondas Section)
Chennai.
3. The Superintendent of prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
M-3 Puzhal Police Station,
Puzhal, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a



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Writ of Habeas Corpus, to call for the records relating to the detention order vide Memo No.456/BCDFGISSSV/2024 dated 06.05.2024, passed by the Second Respondent and quash the same and direct the respondents herein to produce the petitioner's husband namely Dillibabu, Aged above 25 years (who is presently undergoing detention in the central prison, puzhal, Chennai) before this Court and set him at liberty.

For Petitioner : Mr.R.Rajadurai

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

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the Commissioner of Police, Greater Chennai in proceedings No.456/BCDFGISSSV/2024 dated 06.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.The impugned order of detention has been issued by the Commissioner of Police, Greater Chennai. Admittedly, there is no adverse case against the detinue as per the detention order. However, it is admitted that there is a delay of three days in considering the representation submitted on behalf of the detinue and therefore, the order of detention is not inconsonance with the legal principles settled by the Hon'ble Supreme Court of India.

3.Strict application of procedure is to be followed in preventive detention



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cases. Even a small lapse will end in favour of the detinue and this being the strict construction to be made in the preventive detention cases, this Court is of the considered opinion that the detinue is entitled for the relief. Personal liberty being hallmarked and a valuable fundamental right, its infringement has been viewed seriously by the constitutional Courts time and again. The delay in considering the representation caused prejudice to the detinue. Therefore, the said delay must be held in favour of the detinue.

4.Consequently, the impugned order of detention in proceedings No.456/BCDFGISSSV/2024 dated 06.05.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detinue, namely, Dillibabu, aged about 25 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

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

S.M.SUBRAMANIAM, J.
AND



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V.SIVAGNANAM, J.

sli

To

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4. The Inspector of Police,
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Puzhal, Chennai.
5. The Public Prosecutor,
High Court, Madras.

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