



WEB COPY



HCP.No.1308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

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

H.C.P.No.1308 of 2024

Chandrasekaran

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.

3.The Inspector of Police,
Alpha-7, Job Racket Investigation Wing,
Central Crime Branch-I, Chennai.

4.The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai – 600 066.

... Respondents

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 order in Memo No.485/BCDFGISSSV/2024 dated 09.05.2024 passed by



HCP.No.1308 of 2024

the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Thiru.Saravanan, s/o.Chandrasekaran, aged about 42 years the detainee, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Thiru.Saravanan, s/o.Chandrasekaran, aged about 42 years the detainee herein at liberty.

For Petitioner : Mr.R.Muthukumar

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 2nd respondent in proceedings in Memo No.485/BCDFGISSSV/2024 dated 09.05.2024 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 seven days in considering the representation. The delay in considering the representation and the period during which the detainee 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.



HCP.No.1308 of 2024

WEB COPY

3. Thus, the impugned order of detention passed by the 2nd respondent in Memo No.485/BCDFGISSSV/2024 dated 09.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

07.08.2024

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

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

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To

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