



HCP.No.1366 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.1366 of 2024

Ramachandran

... Petitioner

Vs.

1. The Addl. Chief Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Secretariat
Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai,
Chennai District.
3. The Superintendent of Prison,
Central Prison at Puzhal,
Chennai Dt.-600 066.
4. The Inspector of Police,
E-1 Mylapore Police Station,
Greater Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records in Detention Order in No.471/BCDFGISSSV/2024 dated 09.05.2024 on the file of 2nd respondent and set aside the same and direct the respondents herein to produce the body of the brother of petitioner/detenué Mr.Ulaganathan, S/o. Rajendran, aged 33 years, now confined in Central Prison at Puzhal before this Court and set him at liberty.

For Petitioner : Mr.M.Mohamed Saifulla

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. 471/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 three days in considering the representation. The delay in considering the representation and the period during which the detenué was under detention would be construed as violation of the Constitutional



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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.

3. Accordingly, the impugned order of detention in proceedings No. 471/BCDFGISSSV/2024, dated 09.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

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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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