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HCP.No.1388 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

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

H.C.P.No.1388 of 2024

NANGALAKSHMI

... Petitioner

Vs.

1. THE SECRETARY TO GOVERNMENT
HOME, PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, FORT ST. GEORGE,
CHENNAI 600009.
2. THE DISTRICT COLLECTOR AND
DISTRICT MAGISTRATE,
KALLAKURICHI DISTRICT, KALLAKURICHI.
3. THE SUPERINTENDENT OF POLICE
KALLAKURICHI, KALLAKURICHI DISTRICT.
4. THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, CUDDALORE,
CUDDALORE DISTRICT.
5. STATE REP BY ITS
THE INSPECTOR OF POLICE,
KACHIRARAPALAYAM POLICE STATION,
KALLAKURICHI DISTRICT.

... Respondents



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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 petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 31.05.2024, on the file of the second respondent herein made in proceedings Memo. D.O.NO. C2/14/2024, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely PARUVATHAM s/o Rangasamy, aged 39 years before this Court and set the petitioner's husband at liberty.

For Petitioner : Mr.R.Sasikumar
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 second respondent in proceedings Memo. D.O.NO. C2/14/2024, dated 31.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The impugned order of detention has been issued by the second respondent herein. Admittedly, there is no adverse case against the detinue as per the detention order. However, it is admitted that there is a delay of four 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.



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3. Strict application of procedure is to be followed in preventive detention cases. Even a small lapse will end in favour of the detenu and this being the strict construction to be made in the preventive detention cases, this Court is of the considered opinion that the detenu 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 detenu. Therefore, the said delay must be held in favour of the detenu.

4. Consequently, the impugned order of detention in proceedings Memo. D.O.NO.C2/14/2024, dated 31.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenu, namely, Paruvatham, s/o Rangasamy, aged 39 years, 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.]

13.08.2024

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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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