



WEB COPY



HCP.No.1463 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.1463 of 2024

Santhi

... Petitioner

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.

2 The District Collector and District Magistrate,
Nagapattinam,
Nagapattinam District.

3 The Superintendent of Police
Nagapattinam,
Nagapattinam District ,

4 The Superintendent of Prison
Central Prison,
Thiruchirappalli,
Trichy District.

5 State rep. By its
The Inspector of Police
Vedaranyam Police Station,
Nagapattinam District.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Call for the the entire records relating to the petitioner's son detention under Tamilnadu Act 14 of 1982 vide detention order, dated 30.05.2024 on the file of the second respondent herein made in proceedings Memo C.O.C.No.08/2024 quash the same as illegal and consequently direct the respondents herein to produce the petitioners son namely Arulprakash S/o. Palani@Jeevanantham, aged 34 years before this Honble Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Thiruchirappalli and thus render justice.

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 District Collector and District Magistrate, Nagapattinam in proceedings Memo C.O.C.No.08/2024, dated 30.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. A perusal of the documents relied on by the detaining authority would reveal that, the detenue had been arrested on 08.03.2024, however the impugned order of detention has been issued on 30.05.2024, after a lapse of more than two months.



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3. The fact about the long delay would be sufficient to draw an inference that the detaining authority has failed to apply their mind for the purpose of issuing the impugned order under Act 14 of 1982.

4.Hence, for the aforesaid reason, the detention order passed by the second respondent in Memo C.O.C.No.08/2024, dated 30.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Arulprakash S/o. Palani@Jeevanantham, aged 34 years, now confined at Central Prison, Thiruchirappalli, 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

1. The Secretary to Government,
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