



WEB COPY



HCP.No.1519 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM :

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

H.C.P.No.1519 of 2024

K.Nagarani

... Petitioner

Vs.

1. The Additional Secretary to Government of India,
Department of Consumer Affairs,
Room No. 270, Krishi Bhavan,
New Delhi – 110 001.
2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Foods and Consumer Protection Co-operation,
Fort St. George, Chennai 600009.
3. The District Magistrate and District Collector,
O/o. The District Collector,
Dharmapuri District,
Dharmapuri.
4. The Superintendent of Police,
Civil Supplies CID,
EVR Periyar Building,
First Floor, B Wing, 474, Anna Salai, Nandanam,
Chennai – 600035.



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5. The Superintendent of Prison,
Salem Central Prison, Salem.

6. The Inspector of Police,
Civil Supplies CID,
Dharmapuri Police Station,
Dharmapuri.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records relating to the detention order in S.C.No. 13/2024 dated 06.06.2024 on the file of the 3rd respondent and quash the same and directing the respondents to produce the corpus of the detenu namely K.Ragu, S/o. K.Kumanan residing at No. 1/19 Boyar street, Chinnankuppam post and village, Pappireddipatti Taluk, Dharmapuri district, (Now detained in Central Prison, Salem) before this Court and set him at liberty.

For Petitioner	: Mr.A.Mohan
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 third respondent in S.C.No. 13/2024, dated 06.06.2024 , 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 39 days in considering the representation. The delay in considering the representation and the period during which the detenu was



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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.

3.Thus, the impugned order of detention in S.C.No. 13/2024 dated 06.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, K.Ragu, S/o. K.Kumanan, aged about 34 years, who is confined at Central Prison, Salem, 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.



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AND
V.SIVAGNANAM, J.

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To

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6. The Inspector of Police,
Civil Supplies CID,
Dharmapuri Police Station,
Dharmapuri.
7. The Public Prosecutor,
High Court, Madras.

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