



HCP.No.1540 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.1540 of 2024

S.Padma

... Petitioner

Vs.

1. The Addl. Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai District.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai Dt.-600 066.
4. The Inspector of Police,
E-1 Mylapore Police Station,
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 passed by the 2nd respondent dated 09.05.2024 in No.476/BCDFGISSSV/2024 against the petitioner's son Dhilip, M/A.33, Son of Sagayaraj, who is confined at Central Prison, Puzhal, Chennai and to set aside the same and consequently, direct the respondents to produce the detainee before the Court and set him at liberty.

For Petitioner : Mr.S.Rajkumar

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 No.476/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 detainee was under detention would be construed as violation of the Constitutional



HCP.No.1540 of 2024

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 passed by the 2nd respondent in proceedings No. 476/BCDFGISSSV/2024, dated 09.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detainee viz., Dhilip, M/A.33, Son of Sagayaraj, who is confined at Central Prison, Puzhal, Chennai, 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.]

07.08.2024

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

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HCP.No.1540 of 2024

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

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To

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