



WEB COPY



HCP.No.1530 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1530 of 2024

Jameela Banu

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George, Chennai.
2. The Commissioner of Police,
Avadi City.
3. The Superintendent,
Central Prison, Puzhal, Chennai - 66.
4. The Inspector of Police,
E-3, Minjur Police Station,
Tiruvallur District.

... 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 impugned order No.53/BCDFGISSSV/2024 dated 22.05.2024 on the file of the 2nd respondent herein and set aside the same as illegal and direct the



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respondents to produce namely Niyas @ Kullu son of Abdullah, aged about 21 years, now confined at Central Prison, Puzhal, Chennai and set him at liberty.

For Petitioner : Mr.G.Vinodhkumar

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The petitioner herein is the mother of the detenue viz., Niyas @ Kullu son of Abdullah aged about 21 years confined at Central prison, Puzhal Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 22.05.2024, branding him as "Goonda" under Tamil Nadu Act 14 of 1982.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on



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the ground that the copy of the special report served on the detainee would reveal that no date has been mentioned.

4. The special report is a relevant document for the purpose of passing an order of detention. Therefore, undated report caused prejudice to the detainee for making effective representation to the authorities against the order of detention.

5. Hence, for the aforesaid reason, the detention order passed by the second respondent in proceedings No.53/BCDFGISSSV/2024 dated 22.05.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detainee Niyas @ Kullu son of Abdullah, aged about 21 years, now 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.]

09.08.2024

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

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