



WEB COPY



HCP.No.1541 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.1541 of 2024

Samundi

... 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,
Trichy.

5 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, to call for the records pertaining to the order of the 2nd respondent dated 30.05.2024 in COC No.6/2024 detaining the detainee Thiru.Muruganandam S/o. Govindasamy, aged 54 years as Goonda under Tamil Nadu Act 14/1982 and set aside the same and direct the respondents to produce the said detainee now detained in the Central Prison Trichy before the Honble Court and set him at Liberty.

For Petitioner : Mrs. V. Mythili

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 C.O.C.No.06/2024, 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 detainee had been arrested on 12.03.2024, 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 drop 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 proceedings C.O.C.No.06/2024, dated 30.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Muruganandam S/o. Govindasamy, aged 54 years as Goonda under Tamil Nadu Act 14/1982 now detained in the Central Prison, Trichy, 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



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