



WEB COPY



HCP.No.1560 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.1560 of 2024

Kalaiselvi

.... Petitioner

Vs

- 1 State of Tamilnadu
rep.by its Secretary to Government,
Home, Prohibition and Excise Department ,
Secretariat, Chennai - 600 009.
- 2 The Commissioner of Police/Detaining Authority,
Tiruppur City.
- 3 The Superintendent of Prison,
Central Prison, Coimbatore.
- 4 The Inspector of Police,
Veerapandi Police Station,
Tiruppur City.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the entire records pertaining to the detention order passed by the 2nd respondent in C.No.38/D.O/IS/Tiruppur City/2024 dated 21.05.2024 and set aside the same and direct the respondents to produce the petitioner's son, namely, Vijayakumar, S/o.Velu, aged about 23 years, who is now confined in Central Prison at Coimbatore, before this Hon'ble Court and set him at liberty.



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For Petitioner : Mr. M. Vijaya Ragavan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The order of detention passed by the Commissioner of Police/Detaining Authority, Tiruppur City, in C.No.38/D.O/IS/Tiruppur City/2024 dated 21.05.2024, 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 four days in considering the representation by the Government.

3. The delay in considering the representation and the period during which the detinue was under detention would be construed as violation of the Constitutional mandate 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.



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4. Hence, for the aforesaid reason, the detention order passed by the second respondent in C.No.38/D.O/IS/ Tiruppur City/2024 dated 21.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., Vijayakumar, S/o.Velu, aged about 23 years, who is now confined in Central Prison at Coimbatore, 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,
Home, Prohibition and Excise Department ,
Secretariat, Chennai - 600 009.
- 2 The Commissioner of Police/Detaining Authority,
Tiruppur City.
- 3 The Superintendent of Prison,
Central Prison,
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AND
V.SIVAGNANAM, J.

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