



WEB COPY



HCP.No.1639 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

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

H.C.P.No.1639 of 2024

Monika

... Petitioner

***Vs.***

1. The State of Tamil Nadu,  
Rep. By its Secretary to Government,  
Home, Prohibition and Excise (XVI) Department,  
Fort St.George, Secretariat,  
Chennai – 600 009.

2.The Commissioner of Police,  
Greater Chennai.

3.The Superintendent of Prison,  
Central Prison,  
Puzhal, Chennai.

4.The Inspector of Police,  
K-2, Ayanavaram Police Station,  
Chennai.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a  
Writ of Habeas Corpus, to call for the records in connection with the order of



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detention passed by the second respondent dated 04.06.2024 in his office Memo BCDFGISSSV No.622/2024 against the petitioner's son by name Thiru.Ramu, S/o.Perumal, aged about 37 years, now confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the above said detainee before this Court and set him at liberty.

For Petitioner : Mr.M.Machavatharan

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 second respondent in proceedings BCDFGISSSV No.622/2024 dated 04.06.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The impugned order of detention has been issued by the second respondent herein. Admittedly, there is no adverse case against the detainee as per the detention order. However, it is admitted that there is a delay of four days in considering the representation submitted on behalf of the detainee and therefore, the order of detention is not inconsonance with the legal principles settled by the Hon'ble Supreme Court of India.



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3.Strict application of procedure is to be followed in preventive detention cases. Even a small lapse will end in favour of the detinue and this being the strict construction to be made in the preventive detention cases, this Court is of the considered opinion that the detinue is entitled for the relief. Personal liberty being hallmarked and a valuable fundamental right, its infringement has been viewed seriously by the constitutional Courts time and again. The delay in considering the representation caused prejudice to the detinue. Therefore, the said delay must be held in favour of the detinue.

4.Consequently, the impugned order of detention in proceedings BCDFGISSSV No.622/2024 dated 04.06.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detinue, namely, Thiru.Ramu, S/o.Perumal, aged about 37 years, now confined at Central Prison, Puzhal, Chennai, 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



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

sli

To

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Rep. By its Secretary to Government,  
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3.The Superintendent of Prison,  
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5. The Public Prosecutor,  
High Court, Madras.

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