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HCP.No.1642 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.1642 of 2024

Devi

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Petitioner

Vs

1. The State of Tamil Nadu,
rep. By its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2 The District Collector and District Magistrate,
Nagapattinam,
Ngapattinam District.
- 3 The District Superintendent of Police
Nagapattinam,
Ngapattinam District ,
- 4 The Superintendent of Prison
Central Prison,
Thiruchirappalli District.
- 5 The Inspector of Police
Vedaranyam Police Station,
Nagapattinam District.

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Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Call for the records pertaining to the order of detention passed in COC No.10/2024 dated 30.05.2024 by the 2nd respondent and set aside the same and direct the respondents to produce the petitioner's son by namely Thiru Ananth, S/o. Sitheswaran Male, aged about 27 years before this Hon'ble Court now confined in Central Prison, Thiruchirapalli and set him at liberty.

For Petitioner : Mr. C. Deepakkumar
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.10/2024, 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 detenue had been arrested on 13.03.2024, however the impugned order of detention has been issued on 30.05.2024, after a lapse of more than two



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months.

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3. The fact about the long delay would be sufficient to draw 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.10/2024, dated 30.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Ananth, S/o. Sitheswaran Male, aged about 27 years, now confined in Central Prison, Thiruchirapalli, 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.]

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



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AND
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