



WEB COPY



HCP.No.1714 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

H.C.P.No.1714 of 2024

P.Jebaselvi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai, Goondas Section,
O/o.The Commissioner of Police Greater Chennai,
Vepery, Chennai – 07.
3. The Superintendent of Prison,
Puzhal, Central Prison, Chennai - 600 066.
4. Inspector of Police,
K-6, T.P.Chithiram Police Station,
T.P.Chithiram, Chennai.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, call for the records of the detention order, dated 12.06.2024, in Memo No.664/BCDFGISSSV/2024 on the file of the 2nd respondent herein and set aside the same and direct the respondents to produce the Husband of the



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petitioner Thiru.Periya Paulraj S/o. Rajarathinam aged about 33 years before this Court now confined at Central Prison, Puzhal, Chennai and set the detenu at liberty.

For Petitioner : Mr. S.Madhusudanan
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 herein in Memo No.664/BCDFGISSSV/2024, dated 12.06.2024, 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 three days in considering the representation. The delay in considering the representation and the period during which the detenue was under detention would be construed as violation of the Constitutional mandatory 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.

3.Accordingly, the impugned order of detention in Memo No.664/BCDFGISSSV/2024, dated 12.06.2024, is quashed and the Habeas Corpus



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Petition stands **allowed**. The detenu, Thiru.Periya Paulraj, S/o. Rajarathinam ,
aged about 33 years, detained in the Central Prison, Puzhal, is directed to be set at
liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[R.S.V., J.]

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19.08.2024

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

To

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O/o.The Commissioner of Police Greater Chennai,
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4. Inspector of Police,
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T.P.Chithiram, Chennai.
5. The Public Prosecutor,
High Court, Madras.



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AND
R.SAKTHIVEL, J.

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