



HCP.No.1764 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.1764 of 2024

Shameem

... Petitioner

Vs

1. The State of Tamil Nadu,
represented by
The Additional Chief Secretary To Government
Department Of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai-600 009
- 2 Commissioner of Police,
Greater Chennai, Chennai
- 3 The Superintendent of Prison,
Central Prison Puzhal, Chennai
- 4 Inspector Of Police,
PEW, St.Thomas Mount Unit ,
Chennai

.... Respondents

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



HCP.No.1764 of 2024

passed by the second Respondent in BCDFGISSSV NO.461/2024(DRUG OFFENEDER) dt 07.05.2024 detaining me as a DRUG OFFENDER as defined under section 3(1) of Act 14/1982 and set aside the Impugned Order of Detention passed in under the Tamil Nadu Act 14 of 1982 and direct the Respondents to produce the body of the detenue namely Thiru.SHAMEEM M/A-26 years S/o ASSIYA, Chembakath House, Pulliyil Nallamthanni Post, Karulai Village, Malappuram, Kerala -679330 presently Confined in Central Prison, Puzhal -2, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. C.S.Pillai

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, Greater Chennai, Chennai in BCDFGISSSV NO.461/2024(DRUG OFFENEDER) dated 07.05.2024 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 18.03.2024, however the impugned order of detention has been issued on 07.05.2024, after a lapse of more than two months.



HCP.No.1764 of 2024

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 BCDFGISSSV No.461/2024 (DRUG OFFENDER), dated 07.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Shameem, Male, aged about 26 years, S/o. Assiya, now Confined in Central Prison, Puzhal -2, Chennai, 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

