



WEB COPY



HCP.No.1731 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.1731 of 2024

Malliga

.... Petitioner

Vs

- 1 The State of Tamil Nadu,
Rep. By the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department ,
Fort St.George, Chennai - 600 009.
- 2 The Commissioner of Police,
The Greater Chennai City,
Veppery, Chennai – 600 007.
- 3 The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
E-2, Royapettah Police Station,
Chennai

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the detention order in Memo No.641/BCDFGISSSV/2024 dated 07.06.2024 passed by the second respondent



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under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Harish, S/o. Padmanaban, aged about 24 years, the detainee, now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr. U.Yuvaraj
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 Commissioner of Police, Greater Chennai, in Memo No.641/BCDFGISSSV/2024 dated 07.06.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.The Special Report submitted by the Sponsoring Authority is undated. That apart, the detainee has been arrested on 12.05.2024 and the impugned order of detention has been issued on 07.06.2024. The above lapses on the part of the authority would be sufficient for the purpose of setting aside the order of detention.



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3. Accordingly, the impugned order of detention in Memo No.641/BCDFGISSSV/2024, dated 07.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Harish, S/o. Padmanaban, aged about 24 years, now confined in 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

To

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5. The Public Prosecutor, High Court, Madras.



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

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