



WEB COPY



HCP.No.1805 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.1805 of 2024

Mrs.Lakshmi

.... Petitioner

Vs

- 1 The State of Tamil Nadu
Rep. by its Secretary To Government ,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.
- 2 The Commissioner of Police
Salem City, Salem.
- 3 The Superintendent of Police
Central Prison, Salem.
- 4 The Inspector of Police
Veeranam Police Station ,
Salem.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records pertaining to the detinue Mr.Sundaramoorthy @ Kumar Son of Mr. late Anand, who is detained under Tamil Nadu Act 14 of 1982 as Goonda at Central Prison, Salem by the second respondent herein vide his order in C.M.P.No.51/Goonda/Salem City/2024 dated 29.05.2024 on the file of the Second Respondent herein and to quash the same and direct the respondent herein to produce the body of the detinue



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Mr.Sundaramoorthi @ Kumar Son of Mr.Late Anan, aged about 54 years, before this Honble Court and set him at liberty.

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For Petitioner : Mr. S.Mohammed Ansar
for S.Joel

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, Salem City, Salem, in C.M.P.No.51/Goonda/Salem City/2024 dated 29.05.2024, 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 about 53 days in passing the detention order from the date of arrest and eight days delay in considering the representation by the State Government.

3.The abovesaid two grounds would be sufficient to drop an inference and the detaining authority has failed to apply their mind for the purpose of issuing the



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impugned order under Act 14 of 1982. The delay in passing the detention order from the date of arrest and in considering the representation and the period during which the detinue was under detention would be construed as violation of the Constitutional mandatory under Article 22 of Constitution of India and thus, the grounds of delay in passing the detention order and in considering the representation became fatal in the case of preventive detention.

4. Hence, for the aforesaid reasons, the detention order passed by the second respondent in C.M.P.No.51/Goonda/Salem City/2024 dated 29.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detinue, viz., Mr.Sundaramoorthi @ Kumar Son of Mr.Late Anan, aged about 54 years, now confined at Central Prison, Salem, 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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