



HCP.No.1949 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1949 of 2024

Nandhini

...
Vs

PETITIONER

1 Government Of Tamil Nadu
Rep By Its Secretary To Government
Prohibition And Excise Department,
St George Fort, Secretariat,
Chennai - 600 009.

2 The Commissioner Of Police
Detaining Authority, Tiruppur City,
Tiruppur.

3 The Inspector Of Police
Tiruppur North Police Station (Crime),
Tiruppur City.

4 The Superintendent,
Central Prison, Coimbatore.

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RESPONDENTS

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records of the Order of Detention in C.No.09/G/IS/Tiruppur City/2024 DATED 19.02.2024 passed by the 2nd Respondent and Quash the same and further direction directing the respondents to produce the detinue namely M.POTHIRAJ S/o. ANGA DEVAR, aged about 42



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years before this Honble Court now confined at Central Prison, Coimbatore and set him Liberty.

WEB COPY

For Petitioner : Mr.C.Samivel

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/The Commissioner of Police, Tiruppur city, in C.No.09/G/IS/Tiruppur City/2024, Dated 19.02.2024 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 6 days in considering the representation. The delay in considering the representation and the period during which the detainee 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.



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3. Accordingly, the detention order passed by the second respondent/The Commissioner of Police, Tiruppur city, in C.No.09/G/IS/Tiruppur City/2024, Dated 19.02.2024 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., M.POTHIRAJ S/o. ANGA DEVAR, aged about 42 years, now confined at Central Prison, Coimbatore, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

27.08.2024

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

To

- 1 Government Of Tamil Nadu
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- 2 The Commissioner Of Police
Detaining Authority, Tiruppur City,
Tiruppur.
- 3 The Inspector Of Police
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Tiruppur City.

4 The Superintendent,
Central Prison, Coimbatore.

5 The Public Prosecutor
High Court, Madras.



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AND
V.SIVAGNANAM, J.

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