



WEB COPY



HCP.No.1938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

H.C.P.No.1938 of 2024

Rajeshwari

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep.by the Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
2. The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Tiruppur District, Tiruppur.
3. The Superintendent of Police,
Tiruppur District.
4. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
5. The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records relating to the detention order vide



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Cr.M.P.No.20/GOONDA/2024 dated 24.03.2024 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's son namely, Bullet Mani alias Manikandan, S/o.Murugesan, aged 27 years, who is presently undergoing detention in the Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner : Mr.N.Arunkumar

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 in Cr.M.P.No.20/GOONDA/2024, dated 24.03.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.The impugned order of detention has been issued by the second respondent. It is admitted that there is a delay of four days in considering the representation submitted on behalf of the detenue and therefore, the order of detention is not inconsonance with the legal principles settled by the Hon'ble Supreme Court of India.

3.Strict application of procedure is to be followed in preventive detention



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cases. Even a small lapse will end in favour of the detinue and this being the strict construction to be made in the preventive detention cases, this Court is of the considered opinion that the detinue is entitled for the relief. Personal liberty being hallmarked and a valuable fundamental right, its infringement has been viewed seriously by the constitutional Courts time and again. The delay in considering the representation caused prejudice to the detinue. Therefore, the said delay must be held in favour of the detinue.

4. Consequently, the impugned order of detention in Cr.M.P.No.20/GOONDA/2024 dated 24.03.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detinue, namely, Bullet Mani alias Manikandan, S/o.Murugesan, aged 27 years, now confined in Central Prison, Coimbatore, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[N.S., J.]

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

S.M.SUBRAMANIAM, J.



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AND
N.SENTHILKUMAR, J.

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To

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Coimbatore District.
5. The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
6. The Public Prosecutor,
High Court, Madras.

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