



WEB COPY



HCP.No.1968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

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

H.C.P.No.1968 of 2024

Shanthi

Vs

PETITIONER

- 1 The Secretary To Government
Home, Prohibition And Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2 The District Magistrate And
District Collector, Namakkal,
Namakkal District.
- 3 The Superintendent Of Police
Namakkal, Namakkal District.
- 4 The Superintendent Of Prison,
Central Prison – Salem, Salem District.
- 5 State Rep.by its
The Inspector Of Police,
MOLASO Police Station,
Namakkal District.

RESPONDENTS



HCP.No.1968 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the entire records relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 08.07.2024 on the file of the second respondent herein made in proceedings Memo C.M.P.No.35/Goonda / 2024 (M1) quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Palanisamy S/o. Rangappa Naicker aged 56 yrs before this Hon'ble High Court and set the petitioner's husband at Liberty from detention now the petitioner's husband detained at Central Prison, Salem.

For Petitioner : Mr. W.Camyles Gandhi

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 second respondent/District Magistrate and District Collector, Namakkal District, in proceedings Memo C.M.P.No.35/Goonda / 2024 (M1) dated 08.07.2024, 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 5 days in considering the representation by the State Government.



HCP.No.1968 of 2024

WEB COPY

3. The delay in considering the representation and the period during which the detenue 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.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent/District Magistrate and District Collector, Namakkal District, in proceedings Memo C.M.P.No.35/Goonda / 2024 (M1) dated 08.07.2024, is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Palanisamy S/o. Rangappa Naicker, aged 56 yrs, 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.]

30.08.2024

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



HCP.No.1968 of 2024

To
WEB COPY

- 1 The Secretary To Government
Home, Prohibition And Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2 The District Magistrate And
District Collector, Namakkal,
Namakkal District.
- 3 The Superintendent Of Police
Namakkal, Namakkal District.
- 4 The Superintendent Of Prison,
Central Prison – Salem, Salem District.
- 5 State Rep.by its
The Inspector Of Police,
MOLASO Police Station,
Namakkal District.
- 6 The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP.No.1968 of 2024

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

mrp

H.C.P.No.1968 of 2024

30.08.2024