



WEB COPY



HCP.No.1989 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.1989 of 2024

Kavitha

.... Petitioner

Vs

- 1 State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department ,
Secretariat, Chennai - 600 009.
- 2 The Commissioner of Police,
Greater Chennai, Chennai.
- 3 The Inspector of Police,
D3 Ice House Police Station,
Chennai.
4. The Superintendent,
Central Prison, Puzhal, Chennai.

.... Respondents

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 petitioner's brother son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 20.05.2024 on the file of the second respondent herein made in proceedings



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NO.541/BCDFGISSSV/2024 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's brother son detained at Central Prison, Puzhal, Chennai - 600 066.

For Petitioner : Mr. C.C.Chellappan
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 proceedings No.541/BCDFGISSSV/2024, dated 20.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.The Special Report submitted by the Sponsoring Authority is undated. The 161 statement is also undated. The above lapses on the part of the authority would be sufficient for the purpose of setting aside the order of detention.

3. Accordingly, the impugned order of detention in proceedings No.541/BCDFGISSSV/2024, dated 20.05.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Vijay, S/o. Ravi, aged about 23



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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.]

[N.S., J.]

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29.08.2024

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

To

1. State of Tamil Nadu,
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Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
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4. The Superintendent,
Central Prison, Puzhal, Chennai.
5. The Public Prosecutor,
High Court, Madras.



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