



WEB COPY



HCP.No.2009 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM :

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

H.C.P.No.2009 of 2024

Shanthi

... Petitioner

Vs.

- 1 The State of Tamil Nadu,
Rep. by the Additional Chief Secretary, Home,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2 The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 600 007.
- 3 The Inspector Of Police,
M-3 Puzhal Police Station, Chennai.
- 4 The Superintendent of Prison,
Central Prison II, Puzhal,
Chennai - 600 066.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the detention order in Memo No.496/BCDFGISSSV/2024 Dated 13.05.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct



HCP.No.2009 of 2024

the respondent to produce the petitioner's son Thiru. Srinivasan S/o.Lingam aged about 32 years, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Thiru. Srinivasan, S/o.Lingam, aged about 32 years, the detenu herein at liberty.

For Petitioner : Mr.R.Muthukumar
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 Memo No.496/BCDFGISSSV/2024 Dated 13.05.2024 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 six days in considering the representation. The delay in considering the representation and the period during which the detenu 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.



HCP.No.2009 of 2024

3. Thus, the impugned order of detention in Memo No.496/BCDFGISSSV/2024 Dated 13.05.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Srinivasan, S/o.Lingam, aged about 32 years, who is confined at 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.]

[V.S.G., J.]

09.09.2024

sli

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



WEB COPY



HCP.No.2009 of 2024

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

sli

To

1. The State of Tamil Nadu,
Rep. by the Additional Chief Secretary, Home,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 600 007.
3. The Inspector Of Police,
M-3 Puzhal Police Station, Chennai.
4. The Superintendent of Prison,
Central Prison II, Puzhal,
Chennai - 600 066.
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2009 of 2024

09.09.2024