



WEB COPY



HCP.No.2076 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.2076 of 2024

T.Diwakar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its the Principal Secretary to Government,
Govt. of Tamil Nadu, Home, Prohibition &
Excise Department, Chennai - 9.

2.The District Magistrate and District Collector,
Erode District, Erode.

3.The Superintendent Of Prison,
Central Prison, Coimbatore.

4.The Superintendent Of Police,
Erode District, Erode.

5.The Inspector Of Police
Sathyamangalam All Women Police Station,
Erode 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 pertaining to the proceedings of the



HCP.No.2076 of 2024

2nd respondent made in his proceedings in Detention order in Cr.M.P.No.28/2024 dated 29.06.2024 and quash the same and set the petitioner's father by name Thandapani, S/o.Chinnasamy @ Mahali, aged about 57 years at liberty from Central Prison, Coimbatore/3rd respondent.

For Petitioner : Mr.M.Dinesh
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.28/2024 dated 29.06.2024, 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 five 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.



HCP.No.2076 of 2024

3. Thus, the impugned order of detention in Cr.M.P.No.28/2024 dated 29.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detenu, namely, Thandapani, S/o.Chinnasamy @ Mahali, aged about 57 years, who is confined at 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.]

[V.S.G., J.]

09.09.2024

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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

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To

1.The State of Tamil Nadu,
Rep. by its the Principal Secretary to Government,
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5.The Inspector Of Police
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6.The Public Prosecutor,
High Court, Madras.

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