



WEB COPY



HCP.No.2191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS. JUSTICE N.MALA

H.C.P.No.2191 of 2024

Jayashree

... Petitioner/Mother of
the Detenue

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
 2. The Commissioner of Police/
Detaining Authority,
Coimbatore City,
Office of the Commissioner of Police,
Coimbatore.
 3. The Superintendent of Prison,
Central Prison,
Coimbatore.
 4. The Inspector of Police,
Prohibition Enforcement Wing (PEW),
Coimbatore City,
Coimbatore.
- ... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records relating to the order of detention passed by the 2nd respondent in C.No.68/G/IS/2024 dated 21.06.2024 and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely, G.Gowtham Tharadass S/o. Ganesh, aged 26 years, now confined in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.S.Arjun

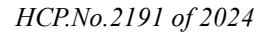
For Respondents : Mr. E. Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The preventive detention order passed by the second respondent dated 21.06.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.



3. Though several grounds are raised in the petition, the learned

4. In the instant case, the detenu was arrested on 17.05.2024 and

5. In the case of '*Sushanta Kumar Banik Vs. State of Tripura*',

“20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of



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7. In yet another case i.e., in '*Nagaraj Vs. State of Tamil Nadu*', reported in '**(2018) 3 MWN (Cri) 428**', this Court had held that the delay of 36 days in passing the detention order after the arrest of the detenu would snap the live and proximate link between the grounds and purpose of detention. Hence, in view of the unexplained and inordinate delay in passing the order of detention, after the arrest of the detenu, the detention order in the present case, is liable to be quashed.

8. Accordingly, the detention order passed by the second respondent in proceedings C.No.68/G/IS/2024 dated 21.06.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., G.Gowtham Tharadass, aged 26 years, S/o. Ganesh confined at Central Prison, Coimbatore is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.] [N.M., J.]
23.09.2024

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



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To

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1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police/
Detaining Authority,
Coimbatore City,
Office of the Commissioner of Police,
Coimbatore.
4. The Superintendent of Prison,
Central Prison,
Coimbatore.
5. The Inspector of Police,
Prohibition Enforcement Wing (PEW),
Coimbatore City,
Coimbatore.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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S.M.SUBRAMANIAM, J.
AND
N.MALA, J.

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