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HCP.No.2250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :

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

H.C.P.No.2250 of 2024

Revathi

... Petitioner /daughter of detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. District Collector and District Magistrate,
Tirupathur District,
Tirupathur- 635 601.
3. The Superintendent of Police,
Tirupathur District. Tirupathur-1
4. The Superintendent of Prison,
Special Prison for Women, Vellore- 2
5. The Inspector of Police,
Tirupathur PEW Police Station,
Tirupathur District.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Call for the records in connection with the order of detention passed by the 2nd respondent dated 27.08.2024 C3/D.O.No.45/2024 against the petitioner mother Thavamani, female, aged 62 years W/o. Kuppusamy, who is confined at Special Prison for Women, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set her at liberty.

For Petitioner : Mr. P.Raman
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 District Collector and District Magistrate, Tirupathur District, in C3/D.O.No.45/2024 dated 27.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. A perusal of the documents relied on by the detaining authority would reveal that, the detenu had been arrested on 17.07.2024, however the impugned order of detention has been issued on 27.08.2024, after a lapse of more than one month.



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3. The fact about the long delay would be sufficient to drop an inference that the detaining authority has failed to apply their mind for the purpose of issuing the impugned order under Act 14 of 1982.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in C3/D.O.No.45/2024 dated 27.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Thavamani, female, aged 62 years W/o. Kuppusamy, now confined at Special Prison for Women, Vellore, is directed to be set at liberty forthwith, unless she is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

03.10.2024

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

mrp



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

mrp

To

1. The Secretary to the Government,
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Tirupathur- 635 601.
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5. The Inspector of Police,
Tirupathur PEW Police Station,
Tirupathur District.
5. The Public Prosecutor,
High Court, Madras.

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