



WEB COPY



HCP.No.2249of 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.2249 of 2024

Selvi

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. District Collector and District Magistrate,
Nagapattinam District,
Nagapattinam.
3. The Superintendent of Police,
Nagapattinam District.
4. The Superintendent,
Central Prison, Tiruchirappalli.
5. The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Call for the records relating to the detention order passed by



HCP.No.2249of 2024

the 2nd respondent pertaining to the order made in C.O.C.No.20/2024 dated 07.08.2024 in detain the detenu under 2(b) of Tamil Nadu Act 14 of 1982 as a Boot-legger and quash the same and direct the respondent to produce the detenu Thavamani, S/o. Muniyan, aged 52 years, who is detained at Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr. G. Nirmal Krishnan
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, Nagapattinam District, in C.O.C.No.20 of 2024 dated 07.08.2024 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 26.06.2024, however the impugned order of detention has been issued on 07.08.2024, after a lapse of more than two months.



HCP.No.2249of 2024

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 C.O.C.No.20 of 2024 dated 07.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Thavamani,S/o. Muniyan, male, aged 52 years, who is detained at Central Prison, Tiruchirappalli, is directed to be set at liberty forthwith, unless he 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



WEB COPY



HCP.No.2249of 2024

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

mrp

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. District Collector and District Magistrate,
Nagapattinam District,
Nagapattinam.
3. The Superintendent of Police,
Nagapattinam District.
4. The Superintendent,
Central Prison, Tiruchirappalli.
5. The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
5. The Public Prosecutor,
High Court, Madras

H.C.P.No.2249 of 2024

03.10.2024