



WEB COPY



HCP.No.2329 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.2329 of 2024

S. Thilagam

... Petitioner /mother of detenu

Vs

1. The State of Tamil Nadu,
represented by its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.
2. The Commissioner of Police,
Avadi City,
Avadi.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
PEW Redhills Police Station,
Thiruvallur 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 pertaining to the order of detention passed by the 2nd respondent No.122/BCDFGISSSV/2024 dated 06.08.2024 against the petitioner's son Mr.Viji S/o. Mr.Settu, Male, aged about 30 years, now confined in Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr. G. Balakrishnan

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 Commissioner of Police, Avadi City, Avadi, in No.122/BCDFGISSSV/2024 dated 06.08.2024 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 31.05.2024, however the impugned order of detention has been issued on 06.08.2024, after a lapse of more than two months.



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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 No.122/BCDFGISSSV/2024 dated 06.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Mr.Viji S/o. Mr.Settu, Male, aged about 30 years, now confined in Central Prison, Puzhal, Chennai, 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

