



WEB COPY



HCP.No.2388 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM :

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

H.C.P.No.2388 of 2024

Patiya Uma

... Petitioner/mother of the detenu

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai-600 009.

2.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur – 602 001

3.The Superintendent of Police,
Superintendent of Police Office,
Thiruvallur – 602 001

4.The Superintendent of Prisons,
Special Prison for Women, Puzhal,
Chennai 600 066

5. The Inspector of Police,
PEW, Gummidipoondi Police Station,
Tiruvallur District.

... 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 records relating to the detention order in BCDFGISSSV.No.32 of 2024 dated 19.08.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and quash the same and direct the respondents to produce the Lakshmi Priya @ Patiya Dhanalakshmi 33 years, D/o. Patiya Nagaraj, who is presently confined in the Special Prison for Women, Puzhal, Chennai before this Hon'ble Court and set her at liberty.

For Petitioner	: Mr. P. Santhosh
For Respondents	: Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

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

The petitioner herein is the mother of the detenu viz., Lakshmi Priya @ Patiya Dhanalakshmi, aged about 33 years, now confined at Special Prison for Women, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in BCDFGISSSV.No.32 of 2024 dated 19.08.2024.

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



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3. A perusal of the documents relied on by the detaining authority would reveal that, the detenu had been arrested on 22.05.2024, however the impugned order of detention has been issued on 19.08.2024, after a lapse of more than two months.

4. The fact about the long delay would be sufficient to draw 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.

5.Hence, for the aforesaid reason, the detention order passed by the second respondent in BCDFGISSSV.No.32 of 2024 dated 19.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Lakshmi Priya @ Patiya Dhanalakshmi, aged about 33 years, now confined at Special Prison for Women, Puzhal, Chennai, 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.]

30.09.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

mrp



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Tiruvallur District.
6. The Public Prosecutor,
Madras High Court.



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