



WEB COPY



HCP.No.2381 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM :

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

H.C.P.No.2381 of 2024

Nari @ Narendra Babu

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai – 600 009.

2.The District Magistrate and District Collector,
Namakkal District,
Namakkal.

3.The Superintendent of Police,
Namakkal District,
Namakkal.

4.The Superintendent of Prison,
Central Prison – Salem,
Salem District.

5.State rep.by its
The Inspector of Police,
PEW – Tiruchengode,
Namakkal District.

... Respondents



HCP.No.2381 of 2024

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 petitioner's detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 26.07.2024 on the file of the second respondent herein made in proceedings C.M.P.NO.41/BOOTLEGGGER/2024M1 quash the same as illegal and consequently direct the respondents herein to produce the petitioner namely NARI @ NARENDRA BABU S/O. JEYARAMAN, AGED 43 YEARS before this Hon'ble High Court and set the petitioner at liberty from detention, the petitioner was detained at Central Prison, Salem.

For Petitioner : Mr.J.Jayan
for Mr.W.Camyles Gandhi

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

ORDER

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

The order of detention passed by the Commissioner of Police, Greater Chennai in C.M.P.NO.41/BOOTLEGGGER/2024M1, dated 26.07.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The order of detention sought to be assailed and the fact as narrated would reveal that, there is a delay of nine days in considering the representation.



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The delay in considering the representation and the period during which the detenu was under detention would be construed as violation of the Constitutional mandatory under Article 22 of the Constitution of India and thus, the ground of delay in considering the representation became fatal in the case of preventive detention.

3. Accordingly, the impugned order of detention in proceedings No. C.M.P.NO.41/BOOTLEGGERS/2024M1, dated 26.07.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenu viz., Nari @ Narendra Babu, male, aged about 43 years son of Jeyaraman, who is confined at Central Prison, Salem, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[V.S.G.,

J.]

15.10.2024

Index: Yes

Internet: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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

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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Namakkal District,
Namakkal.
- 3.The Superintendent of Police,
Namakkal District,
Namakkal.
- 4.The Superintendent of Prison,
Central Prison – Salem,
Salem District.
- 5.The Inspector of Police,
PEW – Tiruchengode,
Namakkal District.
- 6.The Public Prosecutor,
Madras High Court.

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