



WEB COPY



HCP.No.2551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

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

H.C.P.No.2551 of 2024

Sandhiya

... Petitioner /elder sister of detenu

Vs

1. The Chief Secretary to the Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The Commissioner of Avadi Police,
Avadi Commissioner Office,
Avadi.

3. The Superintendent,
Central Prison-II,
Puzhal, Chennai.

4. The Inspector of Police (L & O),
E-3 Minjur Police Station,
Thiruvallur.

.... 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 connected with the order of the 2nd respondent herein in 118/BCDFISSV/2024 dated 05.08.2024 against the petitioner brother, Sadhu S/o. Sekar, aged 22 years, confined at Central Prison, Puzhal, Chennai and set aside the same. Consequently directing the respondents herein to produce the body and person of the detenu before the Hon'ble Court and set him at liberty.

For Petitioner : Mr. K. Tamilvanan
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, Chennai, in Memo No.118/BCDFISSV/2024 dated 05.08.2024 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 24.06.2024, however the impugned order of detention has been issued on 05.08.2024, 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 Memo.No.118/BCDFISSSV/2024 dated 05.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Sadhu S/o. Sekar, aged 22 years, confined at 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.]

29.10.2024

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 Chief Secretary to the Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner of Avadi Police,
Avadi Commissioner Office,
Avadi.
3. The Superintendent,
Central Prison-II,
Puzhal, Chennai.
4. The Inspector of Police (L & O),
E-3 Minjur Police Station,
Thiruvallur.
5. The Public Prosecutor,
High Court, Madras.

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