



WEB COPY



HCP.No.2575 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.2575 of 2024

Ajithkumar
detenu

... Petitioner /son of the

Vs

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police/Detaining authority,
Office of the Commissioner of Police,
Tiruppur City.
3. The Superintendent of Prison,
Special Prison for Women,
Coimbatore.
4. The Inspector of Police,
Prohibition Enforcement Wing,



HCP.No.2575 of 2024

Tiruppur City

... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Calling for the entire records connected with the detention order of the respondent no.2 in C.No.62/D.O./IS/TIUPPUR CITY/2024 dated 09.08.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Murugeshwari, wife of Ranganathan, aged 49 years, now detained as "Drug Offender" at Special Prison for Women, Coimbatore before this Court and set her at liberty forthwith.

For Petitioner : Dr. R.Alagumani

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, Greater Chennai, in C.No.62/D.O./IS/TIRUPPUR CITY/2024 dated 09.08.2024 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 27.06.2024, however the impugned order of detention has been issued on 09.08.2024, after a lapse of more than two



HCP.No.2575 of 2024

months.

WEB COPY

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.No.62/D.O./IS/TIUPPUR CITY/2024 dated 09.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Murugeshwari, W/o.Ranganathan, aged 49 years, now confined at Special Prison for Women, Coimbatore, 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.]

29.10.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

mrp



WEB COPY



HCP.No.2575 of 2024

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

mrp

To

1. The Principal Secretary to Government,
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2. The Commissioner of Police/Detaining authority,
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Tiruppur City.
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Special Prison for Women,
Coimbatore.
4. The Inspector of Police,
Prohibition Enforcement Wing,
Tiruppur City
5. The Public Prosecutor,
High Court, Madras.

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