



WEB COPY



HCP.No.2559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.2559 of 2024

Suriya

... Petitioner/wife of the detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner of Police,
Avadi City,
Office of the Commissioner of Police,
(Goondas Section)
Avadi, Chennai- 600 054
3. The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai.
4. State rep. by its
The Inspector of Police,
B-7 Vellavedu Police Station,
Tiruvallur District.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 31.08.2024 on the file of the second respondent herein made in proceedings no.145/BCDFGISSSV/2024, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's brother namely Jaganathan @ Appu S/o. Ram, aged 27 years before this Hon'ble High Court and set the petitioner's brother at liberty from detention, now the petitioner's husband detained at Central Prison, Puzhal, Chennai.

For Petitioner : Mr. P. Sasikumar
For Respondents : Mr.R. Muniyapparaj
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, in no.145/BCDFGISSSV/2024 dated 31.08.2024 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 06.07.2024, however the impugned order of detention has been issued on 31.08.2024, after a lapse of more than one month.



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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.145/BCDFGISSSV/2024 dated 31.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Jaganathan @ Appu S/o. Ram, aged 27 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.]

[M.J.R., J.]

07.11.2024

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

mrp

