



WEB COPY



HCP.No.2628 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM :

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

H.C.P.No.2628 of 2024

Susila

... Petitioner /wife of the detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The District Magistrate and District Collector,
Kallakurichi District, Kallakurichi.
3. The Superintendent of Police,
Kallakurichi District, Kallakurichi.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

.... Respondents



HCP.No.2628 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 01.10.2024 in D.O.No.C2/62/2024 against the petitioner's husband Pandiyan, Male, aged 54 years, S/o. Veeran, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr. P.Raman

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 second respondent in D.O.No.C2/62/2024 dated 01.10.2024 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 22.08.2024, however the impugned order of detention has been issued on 01.10.2024, 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 D.O.No.C2/62/2024 dated 01.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Pandiyan, Male, aged 54 years, S/o. Veeran, confined at Central Prison, Cuddalore, 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.]

20.11.2024

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

mrp



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The District Magistrate and District Collector,
Kallakurichi District, Kallakurichi.
3. The Superintendent of Police,
Kallakurichi District, Kallakurichi.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
6. The Public Prosecutor,
High Court, Madras.

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