



WEB COPY



HCP.No.2674 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.2674 of 2024

Swapna

...Petitioner /Mother of the detenu

Vs

1. State of Tamilnadu,
rep. by the Secretary,
Home, Prohibition And Excise Department,
Fort St George,
Chennai 600 009
- 2 The District Magistrate and District Collector,
Office of The District Magistrate and District Collector,
Tiruppur District,
Tiruppur.
- 3 The Superintendent of Police,
Tiruppur District.
- 4 The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
- 5 The Inspector of Police
Uthukuli Police Station, Tiruppur 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 detention order vide CR.MP.NO.66/GOONDA/2024 dated 25.06.2024 passed by the second Respondent and quash the same and direct the respondents herein to produce the petitioner's son namely Devaraj S/o. Venkatesh, aged 23 Years (who is presently under going detention in the Central Prison, Coimbatore before this Hon'ble Court and set him at liberty

For Petitioner : Mr. D. Prasanna

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 District Magistrate and District Collector, Tiruppur District, Tiruppur., in CR.MP. NO.66/GOONDA/2024 dated 25.06.2024 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 03.05.2024, however the impugned order of detention has been issued on 25.06.2024, after a lapse of more than one and half 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 CR.MP. NO.66/GOONDA/2024 dated 25.06.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Devaraj S/o. Venkatesh, aged 23 Years, confined at Central Prison, Coimbatore, 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



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

mrp

To

1. The Secretary,
Home, Prohibition And Excise Department,
Fort St George,
Chennai 600 009
- 2 The District Magistrate and District Collector,
Office of The District Magistrate and District Collector,
Tiruppur District,
Tiruppur.
- 3 The Superintendent of Police,
Tiruppur District.
- 4 The Superintendent of Prison,
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Coimbatore District.
- 5 The Inspector of Police
Uthukuli Police Station, Tiruppur District.
6. The Public Prosecutor,
High Court, Madras.

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