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HCP.No.2660 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM :

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

H.C.P.No.2660 of 2024

Sivagamasundhari

... Petitioner /wife of the detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

2 The District Collector and District Magistrate,
Cuddalore District , Cuddalore.

3 The Superintendent Of Police
Cuddalore District , Cuddalore.

4 The Superintendent Of Prison
Central Prison, Cuddalore - 4.

5 The Inspector Of Police
Neyveli Thermal Police Station,
Cuddalore 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, in Connection with the order of Detention passed by the second respondent dated 03.10.2024 in C3/D.O.NO.81/2024 against the petitioner husband NATARAJAN @ IYYAPPAN MALE AGED 32 YEARS S/O.GUNASEKARAN who is confined at Central Prison Cuddalore and set aside the same and direct the Respondents to produce the detenue before the Honble 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 in C3/D.O.NO.81/2024, dated 03.10.2024 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 24.08.2024, however the impugned order of detention has been issued on 03.10.2024, 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 C3/D.O.NO.81/2024, dated 03.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Natarajan @ Iyyappan, S/o.Gunasekaran, aged 32 years, 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.]

10.12.2024

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

mrp

