



WEB COPY



HCP.No.2752 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM :

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

H.C.P.No.2752 of 2024

M.Mariyammal

... Petitioner /wife of the detenu

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, St. George Fort,
Chennai 600 009.
2. The District Collector and District Magistrate,
Perambalur District, Perambalur.
3. The Superintendent of Police,
Superintendent Office,
Trichy
4. The Superintendent of Police,
Central Prison, Tiruchirapalli,
Tamilnadu.
5. The Inspector of Police,
PEW, Permbalur Police Station,
Perambalur.

.... Respondents



HCP.No.2752 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the records relating to the detention order No.Cr.M.P.No.25/2024, dated 01.10.2024, passed by the 2nd respondent under the respondent to produce the petitioner's husband Mr.Mani @ Manikandan S/o. Karuppaiah, aged aged 27 years, the detenu now confined in Central Prison, Trichy, before this Court and set aside the petitioner's husband Mr. Mani @ Manikandan S/o. Karuppaiah, aged about 27 years, the detenu herein at liberty.

For Petitioner : Mr. C.M.Ramakrishnan

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 No.Cr.M.P.No.25/2024, 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 04.07.2024, however the impugned order of detention has been issued on 01.10.2024, after a lapse of more than three months.

3. The fact about the long delay would be sufficient to drop an inference that



HCP.No.2752 of 2024

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.Cr.M.P.No.25/2024, dated 01.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Mr. Mani @ Manikandan S/o. Karuppaiah, aged 27 years, the detenue now confined in Central Prison, Trichy, 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.]

29.11.2024

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

mrp



WEB COPY



HCP.No.2752 of 2024

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

mrp

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, St. George Fort,
Chennai 600 009.
2. The District Collector and District Magistrate,
Perambalur District, Perambalur.
3. The Superintendent of Police,
Superintendent Office,
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4. The Superintendent of Police,
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Tamilnadu.
5. The Inspector of Police,
PEW, Permbalur Police Station,
Perambalur.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2752 of 2024

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