



WEB COPY



HCP.No.2663 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

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

H.C.P.No.2663 of 2024

Kaliswari

...
Vs

PETITIONER

- 1 The Secretary To Government
Home, Prohibition And Excise Department
Secretariat, Fort St. George,
Chennai – 600 009.
- 2 The Commissioner Of Police /
Detaining Authority, Huzur Road,
Coimbatore City, Coimbatore - 18.
- 3 The Superintendent Of Police
Central Prison – Coimbatore,
Coimbatore District.
- 4 State Rep. By Its
The Inspector Of Police,
Gomangalam Police Station,
Coimbatore District.

... RESPONDENTS

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 son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 04.10.2024 on the file of the second respondent herein made in



HCP.No.2663 of 2024

proceedings Cr.M.P.No.56/G/2024 quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely KUMAR @ NALLUKUMAR S/o.Maruthu aged 20 years before this Honble High Court and set the petitioner's son at liberty from detention now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi
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 Collector and District Magistrate, Coimbatore in Cr.M.P.No.56/G/2024 dated 04.10.2024 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 27.08.2024, however the impugned order of detention has been issued on 04.10.2024, after a lapse of more than one month.

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



HCP.No.2663 of 2024

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 District Collector and District Magistrate, Coimbatore in Cr.M.P.No.56/G/2024 dated 04.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Kumar @ Nallukumar, Male, aged 20 years, S/o. Maruthu, 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.]
03.12.2024

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

