



WEB COPY



HCP.No.2859 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.2859 of 2024

S. Manjunath @ Manju

... Petitioner

Vs

1. The Principal Secretary to the Government,
Government Of Tamil Nadu (Home),
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2 The Additional Chief Secretary To The Government,
Prohibition And Excise Department,
Secretariat Fort St. George,
Chennai - 600 009.

3 The Commissioner Of Police
Coimbatore City, Coimbatore.

4 The Superintendent Of Central Prison,
Central Prison, Coimbatore.

5 The Inspector Of Police ,
B-5 Vadavalli Police Station,
Coimbatore City, Coimbatore.

... 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 order of the 3rd Respondent herein vide C.No.52/G/IS/2024 dated 25.05.2024 passed against detainee namely S.Manjunath @ Manju son of Sundra Moorthy, male, aged about 37 yrs, who is confined at Central Prison, Coimbatore - 18 and set aside the same, consequently directing the Respondent herein to produce the person of the detainee before this Honble Court and set him at Liberty.

For Petitioner : Mr. S. Arokia Mani Raj
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 C.No.52/G/IS/2024 dated 25.05.2024 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 24.04.2024, however the impugned order of detention has been issued on 25.05.2024, after a lapse of more than one



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month. More so, the detenu is already in imprisonment under the Preventive Detention of law for about 7 years 1/2 months.

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 C.No.52/G/IS/2024 dated 25.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., S.Manjunath @ Manju, S/o. Sundra Moorthy, aged 37 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.]

10.12.2024

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

mrp

