



WEB COPY



HCP.No.2703 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.2703 of 2024

Sathya

...Petitioner /wife of the detenu

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St George, Chennai - 600 009
- 2 The Commissioner of Police,
Avadi Commissionerate Avadi City,
Tiruvallur District.
- 3 The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
- 4 The Inspector of Police ,
T-6, Avadi Police Station,
Tiruvallur 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, pertaining to the order of



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detention passed by the 2nd respondent in Memo No.88/BCDFGISSSV/2024 dated 27.06.2024 against the petitioner's son VEERAKUMAR @ VEERA @ SURYA, male, aged about 24 years, Son of Murali vide his proceedings now confined in Central Prison, Puzhal, Chennai District and set aside the same and direct the respondents to produce the detune before this Honble Court and set him at liberty.

For Petitioner : Ms.R.Madhubala

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 Commissioner of Police, Avadi City, in No.88/BCDFGISSSV/2024 dated 27.06.2024 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 24.05.2024, however the impugned order of detention has been issued on 27.06.2024, 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 Memo No.88/BCDFGISSSV/2024 dated 27.06.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Veerakumar @ Veera @ Surya, aged 24 years, S/o. Murali, now confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

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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 to Government,
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Tiruvallur District.
- 3 The Superintendent of Prison,
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- 4 The Inspector of Police ,
T-6, Avadi Police Station,
Tiruvallur District.
5. The Public Prosecutor,
High Court, Madras.

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