



WEB COPY



HCP.No.2702 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

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

H.C.P.No.2702 of 2024

Vimala ... Petitioner /Mother of detenu

Vs

1. The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai 600 009.
  2. The District Magistrate and District Collector,  
Office of the District Collector,  
Tiruvallur - 602 001.
  3. The Superintendent of Police,  
Office of the Superintendent of Police,  
Tiruvallur - 602 001.
  4. The Superintendent of Prison,  
Central Prison -II, Puzhal,  
Chennai 600 066.
  5. The Inspector of Police,  
Tiruvallur Prohibition Enforcement Wing,  
Tiruvallur - 602 001.
- ... 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 connected with the detention order of the 2nd respondent in BCDFGISSSV No.37 of 2024 dated 03.09.2024 and quash the same and direct the respondents to produce the body and person of detenu namely Karthick , Son of Sudharsan, aged about 23 years detained in Central Prison-II, Puzhal, Chennai, before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr. S. Petchiappan  
For Respondents : Mr.E. Raj Thilak  
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 BCDFGISSSV No.37 of 2024 dated 03.09.2024 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 08.02.2024, however the impugned order of detention has been issued on 03.09.2024, after a lapse of more than seven months.



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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 BCDFGISSSV No.37 of 2024 dated 03.09.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Karthick, S/o. Sudharsan, aged about 23 years, confined at Central Prison-II, Puzhal, Chennai, 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.]

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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 Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai 600 009.
2. The District Magistrate and District Collector,  
Office of the District Collector,  
Tiruvallur - 602 001.
3. The Superintendent of Police,  
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4. The Superintendent of Prison,  
Central Prison -II, Puzhal,  
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5. The Inspector of Police,  
Tiruvallur Prohibition Enforcement Wing,  
Tiruvallur - 602 001.
6. The Public Prosecutor,  
High Court, Madras.

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