



WEB COPY



HCP.No.2692 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.2692 of 2024

Parameshwari
detenu

...Petitioner /Mother of the

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St George, Chennai - 600 009
- 2 The Commissioner of Police/
Detaining Authority, Coimbatore City.
- 3 The Superintendent,
Central Prison,
Coimbatore District.
- 4 The Inspector of Police ,
PEW Coimbatore City, 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 detention order passed by the second Respondent pertaining to the order made in



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C.NO.104/G/IS/2024 DATED 28.08.2024 in detain the detenue under 2(e) of Tamil Nadu Act 14 of 1982, as a Drug Offender and quash the same and direct the respondent to produce the detenu S.Anandhakumar, S/o. Senthilnadhan, aged about 25 years, who is detained at Central Prison, Coimbatore, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. G. Nirmal Krishnan

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, Coimbatore City, in C.NO.104/G/IS/2024, dated 28.08.2024 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 23.07.2024, however the impugned order of detention has been issued on 28.08.2024, 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 C.NO.104/G/IS/2024, dated 28.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., S.Anandhakumar, S/o. Senthilnadhan, aged 25 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.]

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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,
Fort St George, Chennai - 600 009
- 2 The Commissioner of Police/
Detaining Authority, Coimbatore City.
- 3 The Superintendent,
Central Prison,
Coimbatore District.
- 4 The Inspector of Police ,
PEW Coimbatore City, Coimbatore District
5. The Public Prosecutor,
High Court, Madras.

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