



WEB COPY



HCP.No.2708 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.2708 of 2024

Petchaiammal

...Petitioner

Vs

1. The Principal Secretary,
Home, Prohibition And Excise Department,
Secretariat,
Chennai 600 009
- 2 The District Collector and District Magistrate,
Villupuram,
Villupuram District.
- 3 The Superintendent of Police,
Villupuram,
Villupuram District.
- 4 The Superintendent,
Central Prison,
Cuddalore.
- 5 The Inspector of Police
Villupuram Taluk Police Station,

Villupuram District.

.... Respondents



HCP.No.2708 of 2024

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 2nd respondent pertaining to the order made in Memo NO.C2/31/2024, dated 17.07.2024, detaining the detenu under 2(3) of the Tamil Nadu Act-14/1982, as "Drug Offender" and quash the same and direct the respondents to produce the detenu Rajasundrapandi, S/o.Azhagarsamy,(TPDA No.4259) male, aged about 27 years, who is detained in Central Prison, Cuddalore before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. A.T.Anbu Kumar

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, Villupuram District, Villupuram, in C2/31/2024, dated 17.07.2024 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 08.06.2024, however the impugned order of detention has been issued on 17.07.2024, after a lapse of more than one and half 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 C2/31/2024, dated 17.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Rajasundrapandi, S/o.Azhagarsamy,(TPDA No.4259), aged 27 years, confined at Central Prison, Cuddalore, 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.]

07.11.2024

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 Principal Secretary,
Home, Prohibition And Excise Department,
Secretariat,
Chennai 600 009
- 2 The District Collector and District Magistrate,
Villupuram,
Villupuram District.
- 3 The Superintendent of Police,
Villupuram,
Villupuram District.
- 4 The Superintendent,
Central Prison,
Cuddalore.
- 5 The Inspector of Police
Villupuram Taluk Police Station, Villupuram District.
6. The Public Prosecutor,
High Court, Madras.

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