



WEB COPY



HCP.No.2772 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.2772 of 2024

Jennifer

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Petitioner

Vs

- 1 The State Of Tamil Nadu
Rep By Its Secretary To Government,
Home, Prohibition And Excise Department,
Secretariat, Chennai 600 009.
- 2 The Commissioner Of Police,
Tambaram City
- 3 The Inspector Of Police,
T-18 Thazhambur Police Station,
Chennai.
- 4 The Superintendent,
Central Prison, Puzhal, Chennai.

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Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 31.08.2024 on the file of the 2nd respondent herein made in proceedings BCDFGISSSV No.96/2024 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's husband namely G. Nixon, aged 37 years, S/o. Gnanakan Ponnaiya before this court and set him at liberty, now petitioner's husband detained at Central Prison, Puzhal, Chennai 600 066.

For Petitioner : Mr. C.C.Chellappan

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 respondent ref No. BCDFGISSSV No.96/2024 dated 31.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The Special Report submitted by the Sponsoring Authority to the Detaining Authority for invoking Act 14 of 1982 is undated and deprived the detainee from making effective representation. The above lapses on the part



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of the authority would be sufficient for the purpose of setting aside the order of detention.

3. Hence, for the aforesaid reason, the detention order passed by the second respondent ref No. BCDFGISSSV No.96/2024 dated 31.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., G. Nixon, S/o. Gnanakan Ponnaiya, aged 37 years, now confined at Central Prison, Puzhal, Chennai-600 066., is directed to be set at liberty forthwith, unless he is required in connection with any other case.

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

[S.M.S., J.] [M.J.R.,J.]
10.12.2024

To

1. The Secretary To Government,
Home, Prohibition And Excise Department,
Secretariat, Chennai 600 009.
- 2 The Commissioner Of Police,
Tambaram City

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.



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- 3 The Inspector Of Police,
T-18 Thazhambur Police Station,
Chennai.
- 4 The Superintendent,
Central Prison, Puzhal, Chennai.
- 5 The Public Prosecutor,
High Court, Madras.

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