



HCP.No.2879 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11.12.2024**

**CORAM :**

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

**H.C.P.No.2879 of 2024**

1 Indumathi ... PETITIONER  
Vs

1 State Of Tamil Nadu,  
Rep. By its Secretary,  
Home Prohibition And Excise  
Department, Fort St.George,  
Chennai - 600 009.

2 The District Collector And District  
Magistrate, Cuddalore District,  
Cuddalore.

3 The Superintendent Of Police  
Cuddalore District, Cuddalore District.

4 The Superintendent,  
Central Prison, Cuddalore District,  
Cuddalore-4.

5 The Inspector Of Police  
Annamalai Nagar Police Circle,  
Annamalai Nagar, Chidambaram Taluk,  
Cuddalore District.

...

**RESPONDENTS**



HCP.No.2879 of 2024

**PRAYER:** Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the Detention order passed in C3/D.O/75/2024 dated 12.09.2024 by the 2nd respondent and quash the same and direct the respondents to produce the detenue Jegathjeeva S/o.Kalaiselvan, aged 21 year now confined in Central Prison Cuddalore before this Honble Court and to set the detenue at liberty.

|                 |                                                      |
|-----------------|------------------------------------------------------|
| For Petitioner  | : Mr.A.Sasikumar                                     |
| For Respondents | : Mr.R. Muniyapparaj<br>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 C3/D.O/75/2024 dated 12.09.2024 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 05.08.2024, however the impugned order of detention has been issued on 12.09.2024, after a lapse of more than one month.



HCP.No.2879 of 2024

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 C3/D.O/75/2024 dated 12.09.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Jegathjeeva S/o.Kalaiselvan, aged 21 year now confined in Central Prison, Cuddalore, 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  
To

[S.M.S., J.] [M.J.R., J.]  
11.12.2024

- 1 State Of Tamil Nadu,  
Rep. By its Secretary,  
Home Prohibition And Excise  
Department, Fort St.George,  
Chennai - 600 009.
- 2 The District Collector And District  
Magistrate, Cuddalore District,  
Cuddalore.



*HCP.No.2879 of 2024*

- 3 The Superintendent Of Police  
Cuddalore District, Cuddalore District.
- 4 The Superintendent,  
Central Prison, Cuddalore District,  
Cuddalore-4.
- 5 The Inspector Of Police  
Annamalai Nagar Police Circle,  
Annamalai Nagar, Chidambaram Taluk,  
Cuddalore District.
- 6 The Public Prosecutor,  
High Court, Madras.



WEB COPY



*HCP.No.2879 of 2024*

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

mrp

**H.C.P.No.2879 of 2024**

**11.12.2024**