



HCP.No.2882 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.2882 of 2024

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|---|--|-----|-------------|
| 1 | Lalitha | ... | PETITIONER |
| | | Vs | |
| 1 | The Secretary To Government
Home Prohibition And Excise Department
Secretariat, Fort.St.George, Chennai - 600 009. | | |
| 2 | The Commissioner Of Police
Avadi Commissionarate,
Office Of The Commissioner Of Police,
Avadi City. | | |
| 3 | The Superintendent Of Police
Central Prison, Puzhal, Chennai. | | |
| 4 | The Inspector Of Police
M-8 Sathangadu Police Station, Chennai.
Crime No.312 Of 2024. | | |
| | | ... | RESPONDENTS |

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.141/BCDFGISSSV/2024 dated 28.08.2024 and quash the same as illegal and produce the detainee namely Sugumar S/o.Dhakshnamoorthy aged 28 years as GOONDA now he is confined in Central Prison, Puzhal-II, Chennai before this Honble Court and set him at liberty.



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For Petitioner : Ms.M.Lavanya
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 in No.141/BCDFGISSSV/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 16.07.2024, however the impugned order of detention has been issued on 28.08.2024, after a lapse of more than one month.

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.



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4. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.141/BCDFGISSSV/2024 dated 28.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Sugumar S/o.Dhakshnamoorthy, aged 28 years, now he is confined in Central Prison, Puzhal-II, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index	:	Yes/No	[S.M.S., J.]	[M.J.R., J.]
Speaking Order	:	Yes/No	11.12.2024	
Neutral Citation	:	Yes/No		

mrp

To

1 The Secretary To Government
Home Prohibition And Excise Department
Secretariat, Fort.St.George, Chennai - 600 009.

2 The Commissioner Of Police
Avadi Commissionarate,
Office Of The Commissioner Of Police,
Avadi City.

3 The Superintendent Of Police
Central Prison, Puzhal, Chennai.

4 The Inspector Of Police
M-8 Sathangadu Police Station, Chennai.
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6 The Public Prosecutor,
High Court, Madras.



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AND
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