



WEB COPY



HCP.No.2864 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

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

H.C.P.No.2864 of 2024

C.Balachandar

...
Vs

PETITIONER

- 1 The State Of Tamil Nadu,
Rep.By Its Additional Chief Secretary To
Government, Prohibition And Excise
Department (home), Secretariat,
Fort St.George, Chennai - 600 009.
- 2 The District Magistrate And
District Collector, Ranipet District.
- 3 The Superintendent
Central Prison, Vellore.
- 4 The Superintendent Of Police
Ranipet, Ranipet District.
- 5 The Inspector Of Police
Arakonam Town Police Station,
Ranipet District.

...

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 impugned order of detention dated 16.10.2024 in B3/D.O.No.77/2024 passed by the 2nd respondent and quash the same as illegal and consequently issue



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direction to produce the brother of the petitioner namely Babu S/o. Chelladurai aged about 38 yrs presently confined at Central Prison Vellore before this Honble Court and set him at Liberty.

For Petitioner : Mr.R.Prathapkumar
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 B3/D.O.No.77/2024 dated 16.10.2024 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 22.09.2024, however the impugned order of detention has been issued on 16.10.2024, 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 B3/D.O.No.77/2024 dated 16.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Babu S/o. Chelladurai aged about 38 yrs presently confined at Central Prison, Vellore, 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.]
03.12.2024

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

sms

To

- 1 The State Of Tamil Nadu,
Rep.By Its Additional Chief Secretary To
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Department (home), Secretariat,
Fort St.George, Chennai - 600 009.
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- 5 The Inspector Of Police
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- 6 The Public Prosecutor, High Court, Madras.



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

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