



HCP.No.2978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.12.2024

CORAM :

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

H.C.P.No.2978 of 2024

1 Jaya Meenakshi ... PETITIONER
Vs

1 The State Rep By
The Additional Chief Secretary To Government
home, Prohibition And Excise Department,
Secretariat, Government Of Tamilnadu,
Fort St.George, Chennai-600 009.

2 The Commissioner Of Police
Greater Chennai.

3 The Superintendent Of Prison
Central Prison-II, Puzhal, Chennai.

4 The Inspector Of Police (L & O)
H-8 Thiruvottriyur Police Station,
Chennai.

... RESPONDENTS

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the records of pertaining to the order of Detention dated 28.10.2024 passed by the 2nd respondent in No.1093/BCDFGISSSV/ 2024 and quash the same as illegal and direct the respondent to produce the Detenue Thiru.Aravindhamsamy S/O.Muniyandi Male aged about 29 years now confined at Central Prison-II Puzhal, Chennai before this Honble Court and set him at liberty.



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For Petitioner : Mr.S.Senthil 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 second respondent in No.1093/BCDFGISSSV/ 2024 dated 28.10.2024 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 08.09.2024, however the impugned order of detention has been issued on 28.10.2024, 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 No.1093/BCDFGISSSV/ 2024 dated 28.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Thiru.Aravindhamsamy S/O.Muniyandi Male aged about 29 years now confined at Central Prison-II Puzhal, Chennai, 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

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

mrp
To

- 1 The State Rep By
The Additional Chief Secretary To Government
home, Prohibition And Excise Department,
Secretariat, Government Of Tamilnadu,
Fort St.George, Chennai-600 009.
- 2 The Commissioner Of Police
Greater Chennai.
- 3 The Superintendent Of Prison
Central Prison-II, Puzhal, Chennai.
- 4 The Inspector Of Police (L & O)
H-8 Thiruvottriyur Police Station,
Chennai.



5 The Public Prosecutor,
High Court, Madras

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

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