



HCP.No.2985 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.2985 of 2024

1 Shanthi

...
Vs

PETITIONER

1 The State Of Tamil Nadu
Rep By Its Secretary To Government, Home,
Prohibition And Excise (xvi) Department,
Fort St George, Secretariat, Chennai 600 009.

2 The District Collector And
District Magistrate Of Thiruvannamalai
Thiuvannamalai District.

3 The Superintendent Of Police
Thiruvannamalai, Thiruvannamalai District.

4 The Superintendent Of Prison
Central Prison, Vellore, Vellore District.

5 The Inspector Of Police
Vandavasi South Police Station
Thiruvannamalai District.

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RESPONDENTS

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 21.10.2024 in his office ref D.O. NO.58/2024-C2 against the petitioner's husband by name Thiru Arun alias



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Arunachalam S/o. Rajamanickam aged about 51 years now confined at Central Prison Vellore Vellore District and set aside the same and direct the respondents to produce the above said detenue before this honble court and set him at liberty.

For Petitioner : Mr.E.Kannadasan
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 D.O. NO.58/2024-C2 dated 21.10.2024 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 14.09.2024, however the impugned order of detention has been issued on 21.10.2024, 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 ref D.O. NO.58/2024-C2 dated 21.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Arun alias Arunachalam S/o. Rajamanickam aged about 51 years now confined at Central Prison Vellore Vellore District, 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	10.12.2024	
Neutral Citation	:	Yes/No		

mrp

To

- 1 The State Of Tamil Nadu
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6 The Public Prosecutor, High Court, Madras.

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