



WEB COPY



HCP.No.2977 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

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

H.C.P.No.2977 of 2024

- | | | | |
|---|---|-----|-------------|
| 1 | Ilakkiya | ... | PETITIONER |
| | | Vs | |
| 1 | The State Of Tamil Nadu
Rep. By Its Additional Chief Secretary To
Government, Prohibition And Excise
Department (home), Fort St. George,
Chennai - 600 009. | | |
| 2 | The District Collector And
District Magistrate, Thiruvarur District,
Thiruvarur. | | |
| 3 | The Superintendent Of Police
Thiruvarur District, Thiruvarur. | | |
| 4 | The Superintendent Of Prison
Central Prison, Thiruchirapalli. | | |
| 5 | The Inspector Of Police
Needamangalam Police Station,
Thiruvarur District. | ... | RESPONDENTS |

PRAYER: Petition filed under Article 226 of Constitution of India to issue a



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Writ of Habeas Corpus, calling for the records pertaining to the detention order dated 07.10.2024 in C.O.C.No.38/2024 passed by the 2nd respondent and issue direction to produce the detenue named (MANICKAM S/o.Moorthy aged 29 years) presently confined at Central Prison, Thiruchirapalli before this Honorable court and set him at liberty forthwith and quash the same.

For Petitioner : Mr.Swami Subramanian
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 C.O.C.No.38/2024, dated 07.10.2024 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 16.08.2024, however the impugned order of detention has been issued on 07.10.2024, after a lapse of more than one month.

3. The fact about the long delay would be sufficient to drop an



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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 C.O.C.No.38/2024, dated 07.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., MANICKAM S/o.Moorthy, aged 29 years, confined at Central Prison, Thiruchirapalli, 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	13.12.2024	
Neutral Citation	:	Yes/No		

mrp

To

- 1 The State Of Tamil Nadu
Rep. By Its Additional Chief Secretary To
Government, Prohibition And Excise
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Thiruvarur District, Thiruvarur.

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Central Prison, Thiruchirapalli.

5 The Inspector Of Police
Needamangalam Police Station,
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6 The Public Prosecutor,
High Court, Madras.



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