



WEB COPY



HCP.No.2971 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.2971 of 2024

Karthiga ... Petitioner/Wife of the detenue
Vs.

- 1.The Additional Chief Secretary to
Government, Home, Prohibition and
Excise Department, Secretariat,
Chennai – 600 009.
- 2.District Collector and District Magistrate,
Mayiladuthurai District, Mayiladuthurai.
- 3.The Superintendent of Police,
Mayiladuthurai District.
- 4.The Superintendent,
Central Prison, Tiruchirappalli.
- 5.The Inspector of Police,
Perambur Police Station,
Mayiladuthurai District.

... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent pertaining to the order made in



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C.O.C.No.42/2024 dated 23.10.2024 in detain the detenu under 2 (b) of Tamil Nadu Act 14 of 1982, as a Boot-Legger and quash the same and direct the respondent to produce the detenu Rajesh Kanna @ Prabhu, son of Dhanabal aged about 43 years, who is detained at Central Prison, Tiruchirappalli before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.G.Nirmal Krishnan
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 second respondent in C.O.C.No.42/2024 dated 23.10.2024 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 29.09.2024, however the impugned order of detention has been issued on 23.10.2024.



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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.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in C.O.C.No.42/2024 dated 23.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Rajesh Kanna @ Prabhu, son of Dhanabal, aged about 43 years, who is detained at Central Prison, Tiruchirappalli, 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 Additional Chief Secretary to
Government, Home, Prohibition and
Excise Department, Secretariat,
Chennai – 600 009.

2.District Collector and District Magistrate,
Mayiladuthurai District, Mayiladuthurai.



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3. The Superintendent of Police,
Mayiladuthurai District.

4. The Superintendent,
Central Prison, Tiruchirappalli.

5. The Inspector of Police,
Perambur Police Station,
Mayiladuthurai District.

6. The Public Prosecutor,
High Court, Madras.



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