



WEB COPY



HCP.No.2976 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM :

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

H.C.P.No.2976 of 2024

M. Esakkiammal

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Petitioner

Vs

- 1 The Secretary to Government,
Home, Prohibition And Excise Department,
Secretariat,
Fort St. George,
Chennai 600 009.
- 2 The Commissioner Of Police,
Office of the Commissioner of Police,
Tambaram City,
Chennai.
- 3 The Superintendent of Police,
Central Prison, Puzhal, Chennai.
- 4 The Inspector Of Police,
T-18 Thazhambur Police Station,
Chennai.

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Respondents

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



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a Writ of Habeas Corpus, calling for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.95/BCDFGISSSV/2024, dated 31.08.2024 and quash the same as illegal and produce the detainee, namely P.Muthusamy, s/o. Pichai, aged 32 years, as Goonda, now he is confined in Central Prison, Puzhal II, Chennai before this Court and set him at liberty.

For Petitioner : Mr. C.Raja

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 No. BCDFGISSSV No.96/2024 dated 31.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The Special Report submitted by the Sponsoring Authority to the Detaining Authority for invoking Act 14 of 1982 is undated and deprived the detainee from making effective representation. The above lapses on the part of the authority would be sufficient for the purpose of setting aside the order



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of detention.

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3. Hence, for the aforesaid reason, the detention order passed by the second respondent ref No. 95/BCDFGISSSV/2024, dated 31.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., P.Muthusamy, S/o. Pichai, aged 32 years, now confined at Central Prison, Puzhal-II, Chennai-600 066, 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
mrp

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

1. The Secretary To Government,
Home, Prohibition And Excise Department,
Secretariat, Chennai 600 009.
- 2 The Commissioner Of Police,
Office of the Commissioner of Police,
Tambaram City,
Chennai.

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



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- 3 The Superintendent of Police,
Central Prison, Puzhal, Chennai.
- 4 The Inspector Of Police,
T-18 Thazhambur Police Station,
Chennai.
- 5 The Public Prosecutor,
High Court, Madras.

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