



HCP.No.3047 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM :

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

H.C.P.No.3047 of 2024

1 G.Manikkam
PETITIONER

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Vs

- 1 The Secretary To The Government
Home Prohibition And Excise Dept.,
Secretariat, Chennai – 600 009.
- 2 District Collector And District
Magistrate, Cuddalore District,
Cuddalore.
- 3 The Superintendent Of Police,
Cuddalore District, Cuddalore.
- 4 The Superintendent Of Prison,
Central Prison, Cuddalore-4.
- 5 The Inspector Of Police,
Neyveli Township Police Station,
Cuddalore 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 30.10.2024 in C3/D.O.No. 90/2024 against the petition grand son Davespraveen male aged



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28 years S/O. Mohandoss who is confined at central Prison Cuddalore and set aside the same and direct the respondents to produce the detenu before the honble court and set him at liberty.

For Petitioner : Mr.P.Raman
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 C3/D.O.No.90/2024 dated 30.10.2024 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 30.10.2024, 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 C3/D.O.No.90/2024 dated 30.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Davespraveen, male, aged 28 years, S/O. Mohandoss, now confined at Central Prison, Cuddalore, 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	11.12.2024	
Neutral Citation	:	Yes/No		

mrp

To

- 1 The Secretary To The Government
Home Prohibition And Excise Dept.,
Secretariat, Chennai – 600 009.
- 2 District Collector And District
Magistrate, Cuddalore District,Cuddalore.
- 3 The Superintendent Of Police,
Cuddalore District, Cuddalore.
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Neyveli Township Police Station, Cuddalore District.

6 The Public Prosecutor,
High Court, Madras.



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

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