



WEB COPY



HCP.No.3041 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.3041 of 2024

1 Sridhar ... PETITIONER
Vs

1 The State Of Tamilnadu
rep By The Additional Chief Secretary To Government
home, Prohibition And Excise Department,
secretariat, Fort.St.George,Chennai – 9.

2 The Commissioner Of Police,
The Greater Chennai.

3 The Superintendent (central Prison)-II
Puzhal, Chennai.

4 The Inspector Of Police,
J8, Neelankarai Police Station,
Neelankarai, Chennai.

... RESPONDENTS

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the records in MEMO NO.844/BCDFGISSSV/2024 dated 13.08.2024 on the file of the 2nd respondent and quash the same as illegal and thereby direct the respondents to produce the detenue namely Ajay S/o.Sridhar Hindu aged about 23 years before this Hon'ble court, who is now detained in Central Prison, Puzhal and set him at liberty.



HCP.No.3041 of 2024

For Petitioner : Mr.T.Arul
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 MEMO NO.844/BCDFGISSSV/2024 dated 13.08.2024 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 18.06.2024, however the impugned order of detention has been issued on 13.08.2024, 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.



HCP.No.3041 of 2024

WEB COPY

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in MEMO NO.844/BCDFGISSSV/2024 dated 13.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Ajay S/o.Sridhar Hindu, aged about 23 years, now detained in Central Prison, Puzhal, 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 Tamilnadu
rep By The Additional Chief Secretary To Government
home, Prohibition And Excise Department,
secretariat, Fort.St.George,Chennai – 9.
- 2 The Commissioner Of Police,
The Greater Chennai.
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Neelankarai, Chennai.
5. The Public Prosecutor,
High Court, Madras.



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AND
M.JOTHIRAMAN, J.

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