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HCP.No.3198 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

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

H.C.P.No.3198 of 2024

Punniyavathi

... Petitioner /Mother of detenu

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur .
3. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.
4. The Superintendent of Prison,
Central Prison -II, Puzhal,
Chennai 600 066.
5. The Inspector of Police,
Tiruvallur Prohibition Enforcement Wing,
Tiruvllur - 602 001.

... Respondents



HCP.No.3198 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records in Connection with the order of Detention passed by the second respondent date 03.09.2024 in B.C.D.R.G.S.S.S.V. NO.36 of 2024 against the petitioner son Gokulraj, male age 19 years, s/o. late samraj who is confined at Central Prison II Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before the Honble Court and set him at Liberty.

For Petitioner : Mr. R. Mukesh Kannah

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 BCDFGISSSV No.36 of 2024 dated 03.09.2024 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 08.02.2024, however the impugned order of detention has been issued on 03.09.2024, after a lapse of more than seven months.



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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 BCDFGISSSV No.36 of 2024 dated 03.09.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Gokulraj, S/o. Samraj, aged about 19 years, confined at Central Prison-II, Puzhal, Chennai, 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.]

18.12.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

mrp



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

mrp

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The District Magistrate and District Collector,
Office of the District Collector,
Tiruvallur - 602 001.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvallur - 602 001.
4. The Superintendent of Prison,
Central Prison -II, Puzhal,
Chennai 600 066.
5. The Inspector of Police,
Tiruvallur Prohibition Enforcement Wing,
Tiruvallur - 602 001.
6. The Public Prosecutor,
High Court, Madras.

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