



H.C.P.(MD)No.956 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 09.12.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**H.C.P.(MD)No.956 of 2024**

Jaffer Ali

... Petitioner / Detenu

Vs.

1.The Principal Secretary to the Government,  
Home, Prohibition and Excise Department,  
Fort St.George, Chennai - 9.

2.The Commissioner of Police,  
Office of the Commissioner of Police,  
Tiruchirappalli City,  
Tiruchirappalli District.

3.The Superintendent of Police,  
Central Prison,  
Tiruchirappalli.

4.The Inspector of Police,  
Sessions Court Police Station,  
Tiruchirappalli City,  
Tiruchirappalli District.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India  
praying for the issue of a Writ of Habeas Corpus, calling for the records

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relating to detention order passed by the 2nd Respondent in Detention C.No.55/Detention/C.P.O./TC/2024 dated 10.06.2024 and to quash the same and direct the respondents to produce the body or person of the detenu, Jaffer Ali, S/o.Rahamathullah, aged about 35 years before this Court and set him at liberty forthwith, now detained at Central Prison, Tiruchirappalli.

For Petitioner : Mr.D.Rajaboopathy

For Respondents : Mr.T.Senthilkumar,  
Addl. Public Prosecutor.

### **ORDER**

**(Order of the court was delivered by G.R.Swaminathan, J.)**

The petitioner was detained as “Immoral Traffic Offender” vide order 10.06.2024 by the second respondent. Representation dated 04.07.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 05.08.2024. The Deputy Secretary dealt with the file on 16.08.2024. There is an unexplained delay of seven days in dealing with the representation. We are satisfied that the detenu's right guaranteed under Article 22 of the Constitution of India has been infringed. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.



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2.In this view of the matter, we hold that the detenu's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

3.This habeas corpus petition is allowed accordingly.

**(G.R.S. J.) & (R.P. J.)**  
**09.12.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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***Issue order copy on 10.12.2024.***

To:-

- 1.The Principal Secretary to the Government,  
Home, Prohibition and Excise Department,  
Fort St.George, Chennai - 9.
- 2.The Commissioner of Police,  
Office of the Commissioner of Police,  
Tiruchirappalli City,  
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5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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**G.R.SWAMINATHAN, J.**  
**and**  
**R.POORNIMA, J.**

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