



H.C.P.(MD)No.1380 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM

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

H.C.P.(MD)No.1380 of 2024

Perumal @ Mohamed Abbas

... Petitioner / Detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus, to call for the entire
records connected with the detention order of the respondent No.2 in
C.No.22/Detention/C.P.O./T.C/2024 dated 14.03.2024 and quash the



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same and direct the respondents to produce the body or person of the detenu by name Perumal @ Mohamed Abbas, S/o.Subramani Mohamed Kasim aged about 40 years, now detained as “Drug Offender” at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

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 “Drug Offender” vide order dated 14.03.2024 by the second respondent. The representation dated 26.06.2024 was submitted for revoking the detention order. The Under Secretary dealt with the file on 04.07.2024. The Deputy Secretary dealt with the file on 12.07.2024. There is an unexplained delay of five 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 Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City.
- 3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and
R.POORNIMA, J.

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