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H.C.P. No.531 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.05.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

H.C.P. No.531 of 2025

Y. Padmaja Das

Petitioner

vs.

1. The Additional Chief Secretary
Government of Tamil Nadu
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009
2. The Commissioner of Police
Avadi City
Avadi
Chennai 600 054
3. The Superintendent of Police
Central Prison
Puzhal
Chennai 600 066
4. The Inspector of Police
Cyber Crime Wing
Avadi Police Commissionerate
Ambattur
Chennai 600 053

Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of habeas corpus to call for the records of the detention

Page Nos.1/6



H.C.P. No.531 of 2025

order dated 31.01.2025 passed by the second respondent *vide* No.09/BCDFGISSSV/2025 and quash the same as illegal and direct the respondents to produce the detenu/body of the petitioner's son Bijoy Y.Das, aged 32 years, S/o Yatheendra Das, now confined at the Central Prison, Puzhal Chennai, before this Court and set him at liberty.

For petitioner Mr. Nithyaesh Natraj
 for Mr. Anirudh A. Sriram

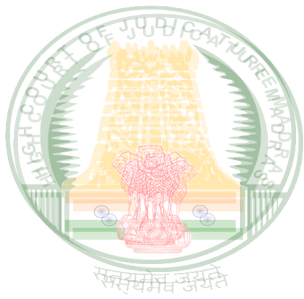
For respondents Mr. E. Raj Thilak
 Addl. Public Prosecutor

ORDER

(made by G.R. SWAMINATHAN, J.)

The petitioner's son was detained as a cyber law offender *vide* order dated 31.01.2025 passed by the second respondent which is assailed in this habeas corpus petition.

2. It is not in dispute that the grounds of detention as well as the relied on materials were served on the detenu only on 06.02.2025. Ground (B) of paragraph no.13 of the affidavit filed in support of this habeas corpus petition reads as follows:



H.C.P. No.531 of 2025

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"B. The detention order was communicated to the detenu on 31.01.2025, however the grounds and connected booklet copies on which the detention order is being passed were served to the detenu through the 3rd respondent only on 06.02.2025, i.e., the grounds copies and other relevant documents are served after a lapse of 5 days, in terms of numeric expression it was served on the 7th day which is in violation of Section 8(1) of the Act, 1982."

(emphasis supplied by us)

3. This factual aspect is not controverted by the respondents.

There is a clear violation of the mandate set out in Section 8(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982. The learned counsel for the petitioner relies on paragraph 12 of the order in **M. Shylaja vs. Additional Chief Secretary to Government and others [2023 SCC OnLine Mad 289]** which reads as follows:

"12. We have noticed that the language in which Section 8 of Act 14 of 1982 is couched makes it clear that 'not later than five days' is from the date of detention. In the cases on hand, the detenues were already under detention. This is one facet of the matter. Another facet of the matter is, on detention orders being made, preventive detention of the detenus operates and in the cases on hand, the grounds of detention have been served beyond five days from the date of detention orders...." (emphasis supplied by us)

We are of the view that the aforesaid case law applies on all fours to



H.C.P. No.531 of 2025

the case on hand.

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4. In such view of the matter, the impugned detention order is set aside and this habeas corpus petition stands allowed.

(G.R.S.,J.) (V.L.N.,J.)
21.05.2025

cad

Note to Office:

Issue order copy today itself (21.05.2025)



H.C.P. No.531 of 2025

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1. The Additional Chief Secretary
Government of Tamil Nadu
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009
2. The Joint Secretary to Government
Public, Law & Order Department
Secretariat
Fort St. George
Chennai 600 009
3. The Commissioner of Police
Avadi City
Avade
Chennai 600 054
4. The Superintendent of Police
Central Prison
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H.C.P. No.531 of 2025

G.R. SWAMINATHAN, J.

and

V. LAKSHMINARAYANAN, J.

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H.C.P.No.531 of 2025

21.05.2025

Page Nos.6/6