



HCP.No.3023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3023 of 2024

Pon Indira

... Petitioner/Mother of the detenu

Vs.

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Fort St.George, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Huzur Road,
Coimbatore City,
Coimbatore – 18.
- 3.The Superintendent of Police,
Coimbatore,
Coimbatore District.
- 4.The Superintendent of Prison,
Central Prison – Coimbatore,
Coimbatore District.



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5.State rep.by its
The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, or any other appropriate writ order or direction in the nature of writ, to call for the entire records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 04.10.2024 on the file of the second respondent herein made in proceedings Cr.M.P.No.57/G/2024, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Thangapandiyan @ Subash, S/o. Manikandan, aged about 20 years before this Hon'ble High Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the second respondent in Cr.M.P.No.57/G/2024 dated 04.10.2024 is sought to be quashed in the present Habeas Corpus Petition.



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2. A perusal of the documents relied on by the detaining authority would reveal that, the detenu had been arrested on 27.08.2024, however the impugned order of detention has been issued on 04.10.2024, 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.

4. Hence, for the aforesaid reason, the detention order passed by the 2nd respondent in Cr.M.P.No.57/G/2024 dated 04.10.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Thangapandiyan @ Subash, S/o.Manikandan, aged about 20 years, now confined in Central Prison, Coimbatore, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
02.01.2025

Speaking Order : Yes/No
Neutral Citation : Yes/No
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- 5.The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.
- 6.The Additional Public Prosecutor,
Madras High Court.



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

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