



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No. 517 of 2015

S.Ulagammal

.. Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Secretariat,
Chennai-9.

2.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.

3.The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records relating to the impugned detention order passed in .M.H.S.Confdl.No.26/2015 dated 16.03.2015 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu, namely, Maharajan alias Duraiyappa, aged 22 Years, S/o.Subramanian, now confined in Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.S.Sundara Pandian

For Respondents : Mr. T.Mohan

Additional Public Prosecutor.

O R D E R

[Order of the Court was made by V.S.RAVI,J]

The petitioner is the mother of one Maharajan alias Duraiyappa. The detenu has been detained as per the order of the second respondent under Section 2(f) of the Tamil Nadu Act 14 of 1962, in which he is being detained as "Goonda".



8. In *Rekha Vs. State of Tamil Nadu*, [2011 (5) SCC 244], the Hon'ble Supreme Court has held that the right to life and liberty of a person is protected, under Article 21 of the Constitution of India. The Hon'ble Supreme Court has further held that the procedural safeguards are required to be zealously watched and enforced by the Courts of law and their rigour cannot be allowed to be diluted on the basis of the nature of the alleged activities of the detenu.



9. In Sumaiya Vs. The Secretary to Government, [2007 (2) MWN (Cr.) 145], a Division Bench of this Court has held that the unexplained delay of three days in disposal of the representation made on behalf of the detenu/detenu would be sufficient to set aside the detention order.

WEB COPY

10. In Tara Chand Vs. State of Rajasthan and others, [1980 (2) SCC 321], the Hon'ble Supreme Court has held that any inordinate and unexplained delay on the part of the Government in considering the representation renders the detention illegal. This dictum has been followed in several Judgments consistently by the Hon'ble Supreme Court as well as this Court.

11. Applying the said dictum laid down by the Hon'ble Supreme Court, if we look into the facts of the present case, undoubtedly, there is an inordinate and unexplained delay of ten working days and therefore, the impugned detention order is liable to be quashed.

12. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his Proceedings in M.H.S.Confdl.No.26/2015, dated 16.03.2015, is quashed. The detenu, by name, Maharajan alias Duraiyappa, S/o.Subramanian, aged 22 Years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(T&P)

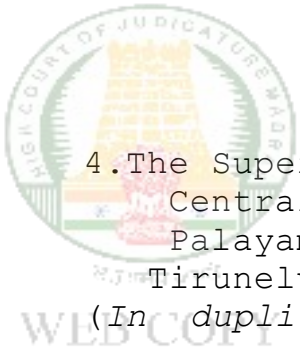
/True copy/

Sub Assistant Registrar

PJL

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Secretariat,
Chennai-9.
- 2.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.
- 3.The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.



4.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

(In duplicate to communicate for detenu)

5.The Joint Secretary, Public Law & Order,
Fort St. George, Secretariat, Chennai-9

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1cc to Mr.S.Sundara Pandian,Advocate SR NO.48364

ORDER MADE IN
H.C.P (MD) No.517 of 2015
21.08.2015

rg.24/08/2015 4p/9c.