

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.122 of 2016

Ummu Kozhusu .. Petitioner/Wife of the
detenue

vs.

1.The State represented
By its Secretary to Government, Home
Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police,
Coimbatore City,
Coimbatore District. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus calling for the records leading to the detention of Mani @ Shajakhan, son of Lakshmanan, aged about 40 years under Act 14/1982 vide detenion order dated 04.01.2016 on the file of the second respondent made in proceedings in C.No.01/G/IS/2016 quash the same, consequently direct the respondents herein to produce the body and person of Mani @ Shajakhan, son of Lakshmanan, aged about 40 years who is lodged at Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner .. Mr.C.D.Sugumar
For Respondents .. Mr.A.N.Thambidurai,
Additional Public Prosecutor

O R D E R

(The order of the Court was made by S.NAGAMUTHU.,J)

The petitioner is the wife of one Mr.Mani @ Shajakhan aged 40 years, son of Lakshmanan who has been detained as a drunk offender under Act 14 of 1982 by the order of the second respondent by his proceedings in C.No.01/G/IS/2016 dated 04.01.2016. Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

2.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3.Though, several grounds have been raised in this petition, the learned counsel for the petitioner has focused his argument on the ground that though a representation was made by the petitioner against the detention order, on 14.01.2016, the same was rejected only on 18.05.2016. This delay has not been explained away. The learned counsel has produced a copy of the rejection order sent by the Deputy Secretary, Prohibition and Excise Department in Letter No.1381/Vul.Ma&A(12)/2016 dated 18.05.2016.

4.The learned Additional Public Prosecutor appearing for the State is not in a position to dispute the genuineness of the said letter. As of now, there is no explanation as to why it had taken four months for the Government to dispose of the said representation.

5.In the light of the above fact and law, we have no hesitation in quashing the order of detention on the ground of delay on the part of the Government in disposing of the representation of the petitioner.

6.Accordingly, the habeas corpus petition is allowed and the detention order in C.No.01/G/IS/2016 dated 04.01.2016, passed by the second respondent is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

-s/d-

Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

jbm

To

1.Secretary to Government, Home
Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police,
Coimbatore City,
Coimbatore District.

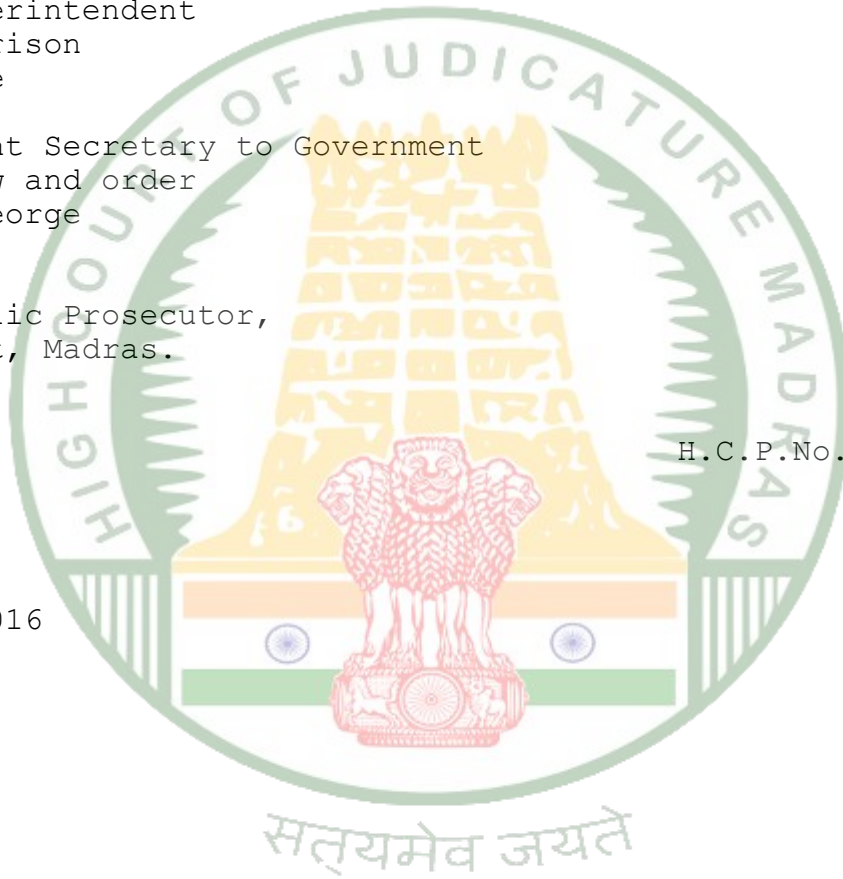
3.The Superintendent
Central Prison
Coimbatore

4.The Joint Secretary to Government
Public Law and order
Fort St.George
Chennai-9

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.122 of 2016

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