



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

AND

THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P.(MD)No.20 OF 2016

P.S.Jesuraj

... Petitioner

vs.

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

2.The Principal Secretary to the Government of Tamilnadu
Department of Home
Prohibition and Excise (XIV) Secretariat
Chennai-600 009.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus to call for the impugned order dated 05.12.2015 made in M.H.S.Confdl No.137/2015 passed by the 1st respondent namely, the District Collector and District Magistrate, Tirunelveli District, Tirunelveli and quash the same as illegal and devoid of merits and consequently direct the detenu Santhagurus, S/o.Santhiagu, Male aged about 39 years now detained in Central Prison, Palayamkottai to be set him at liberty forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondents: Mr.C.Ramesh
Additional Public Prosecutor

O R D E R

[Order of the Court was made by B.GOKULDAS, J]

The petitioner's cousin Santhagurus, aged about 39 years, has been detained as "Goonda", under Section 2(f) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum-grabbers and Video Pirates Act, 1982, (Tamil Nadu Act 14 of 1982), as per the order of the first respondent, dated 05.12.2015. Challenging the same, he has come up with this Habeas Corpus Petition.

2. The learned counsel for the petitioner contends that the representations made by the detenu as well as his wife for revocation of the order of detention were not considered within a reasonable time and such enormous delay in considering the representations amounts to denial of reasonable opportunity vitiating the order of detention.



3. We also heard the submissions made by the learned Additional Public Prosecutor on the above said contentions raised on behalf of the petitioner.

4. On perusal of the records, it is seen that the detenu and his wife sent representations to the detaining authority for revocation of the detention order passed against the detenu during December, 2015 and the petitioner has produced acknowledgment cards to that effect. However, till date the representations have not been considered. On that ground alone, the order of detention is liable to be set aside.

5. In the result, the Habeas Corpus Petition is allowed and this Court sets aside the order of detention dated 05.12.2015, made in M.H.S.Confdl.No.137/2015, by the District Collector and District Magistrate, Tirunelveli District, Tirunelveli and directs the release of the detenu by name Santhagurus, S/o.Santhiagu, aged about 39 years forthwith, if his custody/detention is not authorised in specific cases or by any other order of detention.

Sd/-
Vacation Officer /
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.
- 2.The Principal Secretary to the Government of Tamilnadu,
Department of Home, Prohibition and Excise (XIV) Secretariat,
Chennai-600 009.
3. The Superintendent, Central Prison,
Palayamkottai, Tirunelveli District
4. The Joint Secretary to Government
Public (Law & Order), Fort.St.George, Chennai-9.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.PALANIVELAYUDAM, Advocate, SR No.26367

H.C.P.(MD)No.20 of 2016
18.05.2016