



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P (MD) No.721 of 2016

Pandiammal : Petitioner
Vs.

1.The Government of Tamil Nadu,
Rep by, the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and District Magistrate,
Office of the District Collector [Goondas Section],
Ramanathapuram District. : Respondents

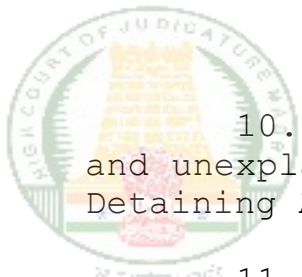
PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records in Cr.M.P.No.04/Goonda/2016, dated 29.03.2016, on the file of the second respondent herein and quash the same and direct the respondents herein to produce the body of the petitioner's husband Muthuraj, S/o.Arumugam, Male, aged 42 years, now confined in Central Prison Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Anand
For Respondents : Mr.C.Ramesh,
Additional Public Prosecutor.

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

This Habeas Corpus Petition is filed by the wife of the detenu - Muthuraj, who is under detention, pursuant to the order passed by the second respondent dated 29.03.2016, in Cr.M.P.No.04/Goonda/2016, under Section 2(f) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum-Grabbers and Video Pirates Act, 1982, (Tamil Nadu Act 14 of 1982), read with the order issued by the Government in G.O.(D).No.30, Home Department, Excise (XVI) Department, dated 18.01.2016, under Sub-Section (2) of Section 3 of the said Act, branding him as "Goonda".



10. In the subject case, admittedly, there is an inordinate and unexplained delay of ten days in submitting the remarks by the Detaining Authority.

11. In the result, the Detention Order, passed by the second respondent, in his proceedings in Cr.M.P.No.04/Goonda/2016, dated 29.03.2016, is quashed. The detenu, namely, Muthuraj, S/o.Arumugam, Male, aged 42 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

12. In the upshot, we allow the Habeas Corpus Petition.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

- 1.The Government of Tamil Nadu,
Rep by, the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector [Goondas Section],
Ramanathapuram District.
- 3.The Superintendent,
Central Prison Madurai.
- 4.The Joint Secretary to Government
Public (Law & Order)
For St.George,
Secretariat, Chennai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.g.Prabahari, Advocate SR.No.41976

NB

sm:KBM:16.08.2016:3P/7C

ORDER MADE IN
H.C.P (MD) No.721 of 2016
Dated: 04.08.2016