

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU  
and  
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P.No.1681 of 2016

Kurshith

.. Petitioner

vs.

1. State of Tamil Nadu  
Rep. by the Secretary, Home  
Prohibition and Excise Department,  
Fort. St. George, Chennai - 600 009.
2. The Commissioner of Police,  
The Commissioner Office  
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,  
Central Prison,  
Puzhal, Chennai

.. 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 relating to the detention order in Memo No. 667/BCDFGISSSV/2016, dated 09.07.2016 passed by the respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband Abdul Rahman, S/o. Ahamed Kabeer, aged about 31 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's husband Abdul Rahman, S/o. Ahamed Kabeer aged about 31 years , the detenu herein at liberty.

For Petitioner .. Mr. N.S. Amarnath  
For Respondents .. Mr. V.M.R. Rajentren  
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 Abdul Rahman, aged 31 years, Son of Ahamed Kabeer, who has been detained as a Goonda under Act 14 of 1982 by the order of the second

respondent by his proceedings in No. 667/BCDFGISSSV/2016, dated 09.07.2016. 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 07.08.2016, the same was rejected only on 01.09.2016. This delay has not been explained away.

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 8 days for the Government to dispose of the said representation.

5.In the light of the above facts 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 No. 667/BCDFGISSSV/2016, dated 09.07.2016 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.

Sd/-  
Assistant Registrar

//True Copy// सत्यमेव जयते  
Sub Assistant Registrar

jbm / ak

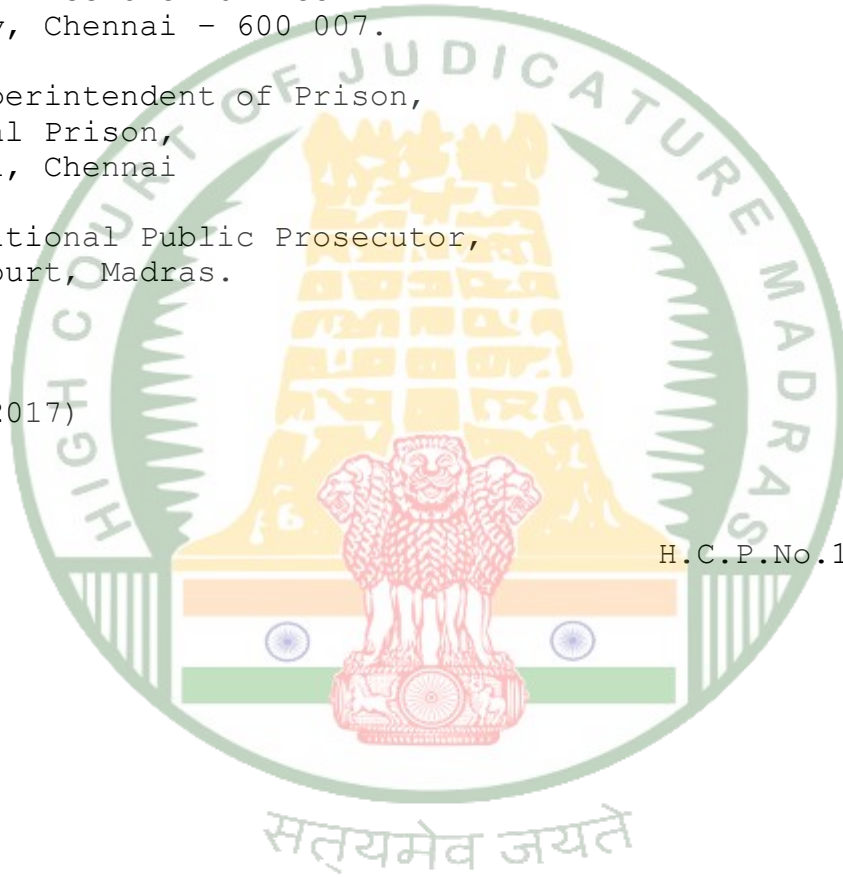
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To

1. The Secretary, Home  
Prohibition and Excise Department,  
Fort. St. George, Chennai - 600 009.
2. The Joint Secretary to Government Public (Law & Order)  
Fort Saint George, Chennai-9.
3. The Commissioner of Police,  
The Commissioner Office  
Vepery, Chennai - 600 007.
4. The Superintendent of Prison,  
Central Prison,  
Puzhal, Chennai
5. The Additional Public Prosecutor,  
High Court, Madras.

LRS (CO)  
RS (23/03/2017)

H.C.P.No.1681 of 2016



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