

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.1709 of 2016

Subramaniyan

.. Petitioner

vs.

1. The Secretary to Government  
Home, Prohibition and Excise Department,  
Secretariat  
Chennai - 600 009.
  2. The Commissioner of Police  
Greater Chennai Police,  
Office of the Commissioner of Police (Goondas Section),  
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 entire records connected with the detention order of the 2<sup>nd</sup> respondent in No. 764/BCDFGISSSV/2016, dated 22.07.2016 and quash the same and direct the respondents to produce the body and person of the petitioner's brother namely Rajasekar, Son of Raju, aged 28 years was detained as a 'Goonda' and lodged in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner .. Mr. S. Mohamed Ansar

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 brother of one Rajasekar, aged  
28 years, Son of Raju, who has been detained as a Goonda under

Act 14 of 1982 by the order of the second respondent by his proceedings in BCDFGISSSV No. 764/2016, dated 22.07.2016. 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 12.08.2016, the same was rejected only on 30.08.2016. 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 6 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 BCDFGISSSV No. 764/2016, dated 22.07.2016, 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

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jbm / ak

To

1. The Secretary to Government  
Home, Prohibition and Excise Department,  
Secretariat  
Chennai - 600 009.
2. The Joint Secretary to Government (Law & Order)  
Fort Saint George, Chennai-9.
3. The Commissioner of Police  
Greater Chennai Police,  
Office of the Commissioner of Police (Goondas Section),  
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.1709 of 2016



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