

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.1726 of 2016

Ramamoorthy ... Petitioner/Father of the
Detenu
Vs.

1. The Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George.
Chennai - 600 009.
2. The District Collector and District Magistrate,
Cuddalore District,
Cuddalore. ... 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 in connection with the order of detention passed by the second respondent dated 27.07.2016 in Memo No. C3/D.O/14/2016/Goonda against the petitioner's son Senthil @ Senthil Kumar, S/o. Ramamoorthy, aged about 34 years, who is confined at Central Prison, Cuddalore, Cuddalore District and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr. K. Gandhi Kumar

For Respondents : Mr. V.M.R. Rajentren
Additional Public Prosecutor

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O R D E R
(The order of the Court was made by S.NAGAMUTHU., J)

The petitioner is the father of one Senthil @ Senthil Kumar, aged 34 years, Son of Ramamurthy, who has been detained as a Goonda under Act 14 of 1982 by the order of the second respondent by his proceedings in No. C3/D.O/14/2016 dated 27.07.2016. 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 11.08.2016, the same was rejected only on 01.09.2016. This delay has not been explained away properly.

4.The learned Additional Public Prosecutor appearing for the State is not in a position to dispute the genuineness of the proforma letter. As of now, there is no explanation as to why it had taken 7 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. C3/D.O/14/2016 dated 27.07.2016 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(CS III)

//True Copy//

Sub Assistant Registrar

jbm / ak

To

1. The Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George.
Chennai - 600 009.
2. The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.

3. The Superintendent,
Central Prison,
Cuddalore.
4. The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
5. The Additional Public Prosecutor,
High Court, Madras.

H.C.P.No.1726 of 2016

KJ(CO)
CA(05/05/2017)



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