



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

H.C.P (MD) No.118 of 2017

Reena

: Petitioner

Vs.

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

2.The District Collector and District Magistrate,
Nagapattinam,
Nagapattinam District.

3.The Superintendent of Prison,
Central Prison,
Trichy.

: 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, connected with the detention order of the second respondent in C.O.C.No.86 of 2016 dated 20.12.2016, and quash the same and direct the respondents to produce the detenu, by name, Rajini, son of Thangarasu, aged about 41 years detained at Central Prison, Tiruchirapalli before this Court and set him at liberty forthwith.

For Petitioner

: Mr.B.Jameel Arasu

For Respondents

: Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor.

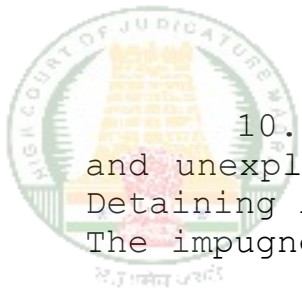
O R D E R

[Order of the Court was made by M.V.MURALIDARAN, J.]

The petitioner is the wife of the detenu, by name, Rajini, S/o. Thangarasu, aged about 41 years. The detenu has been detained by the second respondent by his order in TPDA-7775/C.O.C.No.86 of 2016, dated 20.12.2016, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



9. In Tara Chand Vs. State of Rajasthan and others, [1980 (2) SCC 321], the Hon'ble Supreme Court has held that any unexplained delay on the part of the Government in considering the representation renders the very detention illegal.



10. In the subject case, admittedly, there is an inordinate and unexplained delay of 7 days in submitting the remarks by the Detaining Authority and 21 days in considering the representation. The impugned detention order is, therefore, liable to be quashed.

11. In the result, the Detention Order, passed by the second respondent, in his proceedings in TPDA-7775/C.O.C.No.86 of 2016, dated 20.12.2016, is quashed. The detenu, namely, Rajini, S/o. Thangarasu, aged about 41 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(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Secretariat,
Chennai - 600 009.

2.The District Collector and District Magistrate,
Nagapattinam,
Nagapattinam District.

3.The Superintendent of Prison,
Central Prison,
Trichy.

4 The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St.George, Chennai.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) .No.118 of 2017
Dated: 23.05.2017

PJL

AM/MMS/SAR 3/29.05.2017/3P/6C