



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.07.2017
CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

H.C.P (MD) No.211 of 2017

M.Pappa : Petitioner
Vs.

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
 - 2.The District Collector/The District Magistrate,
Collectorate,
Kanyakumari District.
 - 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with detention order of the 2nd respondent in his detention order P.D.No.4/2017, dated 05.01.2017 signed on 06.01.2017 and quash the same and direct the respondents to produce the body and person of detenu/my son namely Suresh @ Katta Suresh @ Suresh Kumar son of Murugesan aged about 27 years detained in Central Jail, Palayamkottai before this Court and set him at liberty forth with.

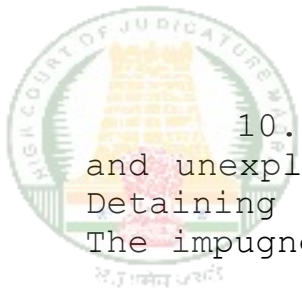
For Petitioner : Mr.R.Manimaran

For Respondents : Mr.C.Ramesh
Additional Public Prosecutor.

O R D E R

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

The petitioner is the mother of the detenu - Suresh @ Katta Suresh @ Suresh Kumar, aged about 27 years. The detenu has been detained by the second respondent by his order in P.D.No.04/2017, dated 05.01.2017, 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.



10. In the subject case, admittedly, there is an inordinate and unexplained delay of 8 days in submitting the remarks by the Detaining Authority and 8 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 P.D.No.04/2017, dated 05.01.2017, is quashed. The detenu, namely, Suresh @ Katta Suresh @ Suresh Kumar, 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(RTI)

/True Copy/

Sub-Assistant Registrar

To

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

2.The District Collector/The District Magistrate,
Collectorate,
Kanyakumari District.

3.The Superintendent ,
Central Prison,
Palayamkottai,
Tirunelveli District.

4.The Joint Secretary to Government of Tamil Nadu,
Public (Law and Order) Department,
Fort Saint George, Chennai-9.

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

+One cc to Mr.Manimaran, Advocate, SR.No.63378
jikr
RL/7C/3P/KP/SAR1/17/7/2017