



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2017
CORAM:

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P(MD)No.441 of 2017

Saraswathi : Petitioner
Vs.

1.The State of Tamilnadu
Rep. By its Secretary to Government,
Home, Prohibition and Exercise Department,
Secretariat, Chennai-9.

2.The commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

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

: 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, leading to the detention of the petitioner's son Jegan @ Jegadeesh @ Jegadheesan son of Muthukumar under Act 14/1982 vide detention order dated 01.02.2017 on the file of the 2nd respondent herein made in C.No.05/DETENTION/C.P.O/T.C/2017 and quash the same as illegal and consequently direct the respondents herein to produce the body of the detenu now confined at Central Prison, Tiruchirappalli before this Court and thereafter set him at liberty.

For Petitioner
For Respondents

: Mr.R.Gandhi
: Mr.C.Ramesh
Additional Public Prosecutor.

ORDER

(Order of the Court was made by M.M.SUNDRESH, J)

The petitioner is the mother of the detenu- Jegan @ Jegadeesh @ Jegadeesan, aged about 25 years and detenu has been detained by the second respondent by his proceedings in C.No.05/Detention/C.P.O/T.C/2017, dated 01.02.2017, holding him to be a "GOONDA", as contemplated under Section 2(f) of Tamil Nadu
<https://hcservices.courts.gov.in/hcservices/> The said order is under challenge in this Habeas Corpus Petition.



In the subject case, admittedly, there is an inordinate and unexplained delay of 5 days in considering the representation. The impugned detention order is, therefore, liable to be quashed.



11. In the result, the Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent, in his proceedings in C.No.05/Detention/C.P.O/T.C/2017 is quashed. The detenu, namely, Jegan @ Jegadeesh @ Jegadeesan, Son of Muthukumar, aged about 25 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary,
Home, Prohibition and Exercise Department,
Secretariat, Chennai-9.
- 2.The commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.
- 3.The Superintendent of Prison,
Tiruchirappalli Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+One cc to Mr.R.Gandhi, Advocate, R.No.64476

rmi/sj

RL/6C/3P/JC/SAR1/19/7/2017

ORDER MADE IN

H.C.P (MD) No.441 of 2017