



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

H.C.P (MD) No.1272 of 2016

Raja alias Arangarajan : Petitioner
Vs.

1. State of Tamil Nadu, rep. by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George,
Chennai - 9.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thanjavur District, Thanjavur.
3. The Superintendent,
Central Prison,
Tiruchirappalli : 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 in connection with the detention order passed in P.D.No.27/2016, dated 06.09.2016 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the petitioner namely Raja alias Arangarajan, S/o.Panneerselvam, male aged 32 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner	: Mr.K.A.S.Prabhu
For Respondents	: Mr.C.Ramesh
	Additional Public Prosecutor.

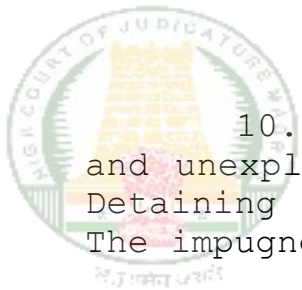
O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The petitioner is the detenu - Raja alias Arangarajan, aged about 32 years. The detenu has been detained by the second respondent by his order in P.D.No.27/2016, dated 06.09.2016, 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 4 days in submitting the remarks by the Detaining Authority and 4 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.27/2016, dated 06.09.2016, is quashed. The detenu, namely, Raja alias Arangarajan, 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(C)

/True Copy/

Sub Assistant Registrar

To

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Fort.St.George, Chennai - 9.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thanjavur District, Thanjavur.
3. The Superintendent,
Central Prison, Tiruchirappalli
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Joint Secretary to Government,
Public (Law & Order) Dept,
Secretariat, Chennai-9.

ORDER MADE IN
H.C.P (MD) No.1272 of 2016
Dated:27.04.2017

JM/JC/09.05.2017/3P/6C