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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 28.04.2017

CORAM:

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

**THE HONOURABLE MR.JUSTICE N.SESHASAYEE**  
**H.C.P(MD)No.1569 of 2016**

Eswaran

: Petitioner

Vs.

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

2.The District Magistrate and District Collector,  
Office of the District Magistrate and District Collector,  
Dindigul District,  
Dindigul.

3.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai District.

: 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 Respondent No.2 in Detention Order No.38/2016, dated 11.11.2016 and Quash the same and direct the Respondents to produce the body or person of the detenu by name Eswaran, son of Paramasivam, aged about 23 years, now detained at Madurai Central Prison before this Court and set him liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.C.Ramesh

Additional Public Prosecutor.

**O R D E R**

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

The petitioner is detenu namely Eswaran, aged about 23 years. The detenu has been detained by the second respondent by his Detention Order No.38/2016, dated 11.11.2016, holding him to be a "Goonda", as contemplated under Section 3(1) of 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 9 days in submitting the remarks by the Detaining Authority and 11 days in considering the representation. The impugned detention order is, therefore, liable to be quashed.

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11. In the result, the Detention Order, passed by the second respondent, in his Detention Order No.38/2016, dated 11.11.2016, is quashed. The detenu, namely, Eswaran, 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 (CS-III)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai - 600 009.
- 2.The District Magistrate and District Collector,  
Office of the District Magistrate and District Collector,  
Dindigul District,  
Dindigul.
- 3.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

AM/DAS

PSM/MMS/19.05.2017/3P/5C

**ORDER MADE IN**  
**H.C.P (MD) No.1569 of 2016**  
**Dated:28.04.2017**