



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2017

CORAM:

**THE HONOURABLE MR. JUSTICE S. NAGAMUTHU**

AND

**THE HONOURABLE MR. JUSTICE P. N. PRAKASH**

H.C.P (MD) No.1586 of 2016

Muthu Lakshmi

: Petitioner

Vs.

1. State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Govt. of Tamil Nadu, Home, Prohibition &  
Excise Department, Chennai - 9.

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

3. The Superintendent,  
Central Prison,  
Palayamkottai.

: Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for records relating to the detention order passed by the 2<sup>nd</sup> respondent M.H.S.Confdl.No.146/2016 dated 17.10.2016 and quash the same and direct the respondents to produce the detenu namely Arumugam, S/o.Palani, aged about 23 years now detained at Central Prison, Palayamkottai before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.D.Venkatesh

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

### **O R D E R**

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner is the mother of the detenu - Arumugam aged about 23 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.146/2016, dated 17.10.2016, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under

<https://hservices.pccmrts.gov.in/hservices/>  
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 inordinate and unexplained delay on the part of the Government in considering and disposing of the representation renders the very detention illegal.



10. In the subject case, admittedly, there is an inordinate and unexplained delay of 5 days in submitting the remarks by the Detaining Authority and 18 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 proceedings in M.H.S.Confdl.No.146/2016, dated 17.10.2016 is quashed. The detenu, namely, Arumugam, 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()

/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 Collector and District Magistrate,  
Tirunelveli District,  
Tirunelveli.
3. The Superintendent,  
Central Prison,  
Palayamkottai.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
5. The Joint Secretary to Government,  
Public (Law and order),  
Front st.George,  
Chennai-9

+1cc to Mr. D. VENKATESH, Advocate, SR.No.54004

H.C.P (MD) No.1586 of 2016

Dated:25.04.2017