



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM:

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

H.C.P (MD) No.1711 of 2016

Krishnammal : Petitioner
Vs.

1. The State of Tamilnadu,
Represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
of Tirunelveli District
Collector's Office.
Tirunelveli, Tirunelveli District.
3. The Superintendent of Prison,
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 the records relating to the detention order passed by the second respondent in M.H.S.Confdl.No.166/2016, dated 22.11.2016 and quash the same and direct the respondents to produce the detenu, by name, Selvamurugan, son of Ettappa Thevar, aged about 25 years detained in Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner	: Mr.S.Selvakumar
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 mother of the detenu Selvamurugan, aged about 25 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.166/2016, dated 22.11.2016, holding him to be a "Goonda", as contemplated under Section 2(1) 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 no delay in submitting the remarks by the Detaining Authority, there was an inordinate and unexplained delay of 21 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.166/2016, dated 22.11.2016, is quashed. The detenu, namely, Selvamurugan, 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-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
of Tirunelveli District
Collector's Office.
Tirunelveli, Tirunelveli District.
3. The Superintendent of Prison,
Central Prison, Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Joint Secretary to Government,
Public (Law & Order),
Fort.St.George, Chennai - 600 009.

+1cc to M/S.S.SELVA KUMAR, Advocate SR.No.53615

ORDER MADE IN
H.C.P (MD) No.1711 of 2016
Dated:24.04.2017

JM/JC/05.05.2017/3P/7C