



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

CORAM:

WEB COPY

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

HCP [MD].No.10 of 2018

G.Vanitha : Petitioner

Vs.

1.State of Tamil Nadu

The Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George Chennai-600009.

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

3.The Superintendent,
Madurai Central Prison,
Madurai District

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records in connection with the detention order passed in detention No.43/2017/C3 dated 28.11.2017 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's husband, namely, Gopi Jeganathan, S/o.Pandiyan, aged 33 years, who is detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.O.S.Ramachandra Pradeep

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu. The detenu, viz., Gopi Jeganathan, aged 33 years, has been detained, as per the order of the second respondent, dated 28.11.2017, under Section 2 (e) of the Tamil Nadu Act 14 of 1982, branding him as "Drug Offender". Challenging the same, the petitioner has come up with this Habeas Corpus Petition.



2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

3. The petitioner challenges the impugned order of detention on the ground that there is an inordinate delay from the date on which the detenu was arrested and the date on which the detention order was passed.

4. We have considered the above submissions.

5. The materials on record would show that the detenu was arrested on 02.11.2017 and the order of detention was passed on 28.11.2017. This delay of 26 days remains unexplained, which would vitiate the order of detention.

6. For the reason stated above, this detention order is liable to be quashed.

7. In the result, the Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in detention No.43/2017/C3 dated 28.11.2017 is quashed. The detenu, namely, Gopi Jeganathan, aged 33 years, S/o. Pandiyan, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

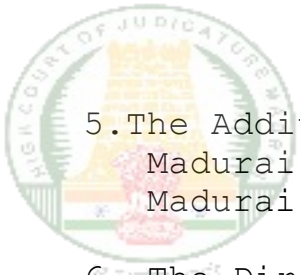
1. The Principal Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George Chennai-600009.

2. The Joint Secretary to Government,
Home Department,
Secretariat, Chennai.

3. The District Collector and District Magistrate,
Theni District, Theni

4. The Superintendent,
Madurai Central Prison,
Madurai District

<https://hcservices.in> for communication to the detenu)



5. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

6. The Director General of police,
Egmore, Chennai.

ORDER MADE IN
HCP [MD].No.10 of 2018
06.03.2018

RR

MS/PM-PN/SAR.3/06.03.2018/3P.8C