



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

H.C.P(MD)No.254 of 2018

Esakki Subbaiah Dhas

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Government of Tamilnadu,
Home, Prohibition and Excise Department,
Secretariat, St. George Fort,
Chennai - 600 009.

2.The Deputy Inspector General of Police,
Tirunelveli Range and the Commissioner of Police,
Tirunelveli City [Full Additional Charge],
Tirunelveli.

3.The Superintendent of Prison,
District Prison and Borstal School,
Pudukkottai, Pudukkottai 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 passed in No.8/BCDFGISSSV/2018, dated 14.02.2018, on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu, namely, Esakki Subbiah Dhas, aged about 20 years, S/o.Nellaiyappan, now detained at the District Prison and Borstal School, Pudukkottai, Pudukkottai District, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

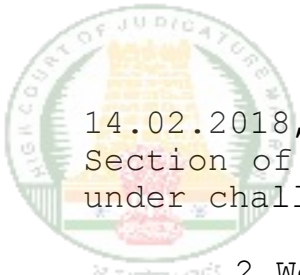
For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor.

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

<https://hcservices.ecourts.gov.in/hcservices>
The petitioner is the detenu - Esakki Subbiah Dhas, aged about 20 years, S/o.Nellaiyappan. The detenu has been detained by the second respondent by his order in 8/BCDFGISSSV/2018, dated



14.02.2018, holding him to be a "Goonda", as contemplated under Section of 2(f) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in 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 produced by the Detaining Authority.

3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel for the petitioner would mainly focus his argument on the ground that the detenu, in this case, was arrested on 10.01.2018, whereas the detention order was passed on 14.02.2018, i.e., with an inordinate delay of more than 30 days, which, according to the learned counsel, vitiates the order of detention.

4. We have also heard the submissions made by the learned Additional Public Prosecutor on the above said contentions raised on behalf of the petitioner.

5. As rightly contended by the learned counsel appearing for the petitioner, in this case, the detenu was arrested on 10.01.2018, whereas the detention order was passed on 14.02.2018, i.e., with an inordinate delay of more than 30 days. The inordinate delay in passing the order of detention remains unexplained. Thus, on this sole ground alone, the impugned order of detention is liable to be set aside.

6. In the result, the Detention Order, passed by the second respondent, in his proceedings in 8/BCDFGISSSV/2018, dated 14.02.2018, is quashed. The detenu, namely, Esakki Subbiah Dhas, aged about 20 years, S/o. Nellaiyappan, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case.

7. In the upshot, we allow the Habeas Corpus Petition.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

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



2.The Deputy Inspector General of Police,
Tirunelveli Range and the Commissioner of Police,
Tirunelveli City [Full Additional Charge],
Tirunelveli.

3.The Superintendent of Prison,
District Prison and Borstal School,
Pudukkottai, Pudukkottai District.

4. The Joint Secretary to Government
Public (Law & Order),
Fort.St.George, Chennai-9.

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

ORDER MADE IN
H.C.P (MD) No.254 of 2018
Dated: 24.04.2018

NB

RAM/SV MMS/SAR 1/07.06.2018/3P/6C