



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2018

CORAM:

THE HONOURABLE Mr.JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr.JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.372 of 2018

Subin @ Subin Raj

... Petitioner

Vs.

1.State of Tamil Nadu,

Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort. St. George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Kanniyakumari District,
Nagercoil.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to call for the entire records connected with the detention order passed in P.D.No.15/2018, dated 09.03.2018 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 Subin @ Subin Raj, aged about 22 years, S/o.Sundarraaj @ Sundar Rajan, now detained at Central Prison, Palayamkottai, before this Hon'ble Court and set him at liberty forthwith.

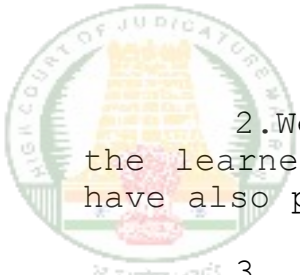
For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.S.Chandrasekar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by C.T.SELVAM,J.)

The petitioner is the detenu - Subin @ Subin Raj, aged about 22 years, S/o.Sundarraaj @ Sundar Rajan. The detenu has been detained by the second respondent by his order in P.D.No.15/2018, dated 09.03.2018, 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 12.01.2018, whereas the detention order was passed on 09.03.2018, i.e., with an inordinate delay, 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 12.01.2018, whereas the detention order was passed on 09.03.2018, i.e., with an inordinate delay. 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 P.D.No.15/2018, dated 09.03.2018, is quashed. The detenu, namely, Subin @ Subin Raj, aged about 22 years, S/o. Sundarraaj @ Sundar Rajan, 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 (Crl. side)

/True Copy/

Sub Assistant Registrar

To

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

2. The District Collector and District Magistrate,
Kanniyakumari District,
Nagercoil.

3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.



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.

H.C.P. (MD) No. 372 of 2018
06.06.2018

am

JM/SV MMS/SAR 2/20.06.2018/3P/6C