



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM
and
THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.419 of 2018

Muneeswaran

... Petitioner

Vs.

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

2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Dindigul District,
Dindigul.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the second respondent in detention order No.26/2018 dated 14.03.2018 and quash the same and direct the respondents to produce the body or person of the detenu by name Muneeswaran, son of Balamurugan, aged about 22 years now confined at Madurai Central Prison before this Court and set him at liberty.

For Petitioner
For Respondents

: Mr.R.Alagumani
: Mr.V.Neelakandan, APP

ORDER

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

The petitioner is the detenu - Muneeswaran, aged about 22 years, S/o. Balamurugan. The detenu has been detained by the second respondent by his order in No.26/2018 dated 14.03.2018, 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.

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3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel for petitioner would mainly focus his argument on the ground that the detenu, in this case, was arrested on 14.02.2018, whereas the detention order was passed on 14.03.2018, 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 14.02.2018, whereas the detention order was passed on 14.03.2018, 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 No.26/2018 dated 14.03.2018 is quashed. The detenu, namely, Muneeswaran, aged about 22 years, S/o. Balamurugan, 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 (CS-I)

/True Copy/

Sub Assistant Registrar

To

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

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



3.The Superintendent of Prison,
Madurai Central Prison,
Madurai 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.

Nbj

AE/SV/SAR1/13.06.2018/3P/6C

H.C.P. (MD) No.419 of 2018
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