



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.426 of 2018

P.Ambika

... 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,
Office of the District Collector and District Magistrate,
Nagapattinam District,
Nagapattinam.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

... 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 in detention order passed in C.O.C.No.20/2018 dated 16.03.2018 on the file of the 2nd respondent and set aside the same as illegal and direct the respondents to produce the petitioner's husband namely, Prabu, son of Muniyandi, male, aged 38 years, who is detained in Central Prison, Tiruchirappalli before this Court.

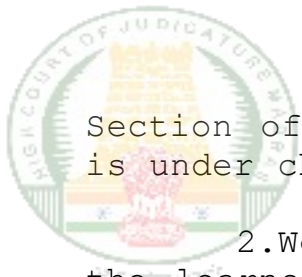
For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.V.Neelakandan, APP

ORDER

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

The petitioner is the wife of the detenu - Prabu, aged about 38 years, S/o. Muniyandi. The detenu has been detained by the second respondent by his order in No.C.O.C.No.20/2018 dated 16.03.2018, 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 petitioner would mainly focus his argument on the ground that the detenu, in this case, was arrested on 29.01.2018, whereas the detention order was passed on 16.03.2018, 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 29.01.2018, whereas the detention order was passed on 16.03.2018, 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 C.O.C.No.20/2018 dated 16.03.2018 is quashed. The detenu, namely, Prabu, aged about 38 years, S/o.Muniyandi, 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,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai 600 009.

<https://hcservices.tn.gov.in/hcservices>
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Nagapattinam District, Nagapattinam.



3. The Superintendent,
Central Prison,
Tiruchirappalli.

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

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