



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.1731 of 2017

Vignesh @ Vellaipoonai : Petitioner

Vs.

1. The Principal Secretary to Government
State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort St. George Chennai-600009.
2. The District Collector and District Magistrate,
O/o. The District Collector and
District Magistrate
Madurai District, Madurai
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District

: Respondents

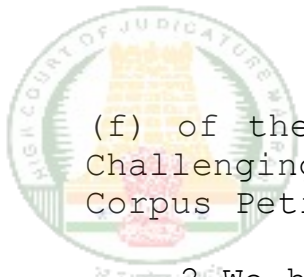
PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records connected with the detention order of the respondent No.2, in BCDFGISSSV No.13/2017 dated 14.11.2017 and quash the same and direct the respondents to produce the detenu by name Vignesh @ Vellaipoonai, son of Mahalingam, aged about 20 years, detained in Madurai Central Prison, before this Court and set him at liberty forthwith.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.V.Neelakandan
	Additional Public Prosecutor

ORDER

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

The petitioner is the detenu viz.Vignesh @ Vellaipoonai, male
<https://hcservices.ecourts.gov.in/hcservices/>
aged about 20 years. The detenu has been detained, as per the
order of the second respondent, dated 14.11.2017, under Section 2



(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". 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 detenu has come to adverse notices in respect of case, namely,

S.No	Crime Number	Offences	Police Station
1	67/2017	147, 148, 294 (b), 324, 506 (ii) IPC	Silaiman Police Station, Madurai District

4. 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.

5. We have considered the above submissions.

6. The materials on record would show that the detenu was arrested on 18.08.2017 and the order of detention was passed on 14.11.2017. This delay of 88 days remains unexplained, which would vitiate the order of detention.

7. For the reasons stated above, this detention order is liable to be quashed.

8. In the result, the Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in BCDFGISSSV No.13/2017 dated 14.11.2017 is quashed. The detenu, namely, Vignesh @ Vellaipoonai, aged about 20 years, son of Mahalingam,, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (T&P)

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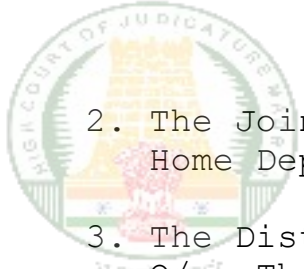
Sub Assistant Registrar

To

1. The Principal Secretary to Government

Home, Prohibition and Excise Department,

Fort St. George Chennai-600009.

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2. The Joint Secretary to Government,
Home Department, Secretariat, Chennai.
3. The District Collector and District Magistrate,
O/o. The District Collector and
District Magistrate
Madurai District, Madurai
4. The Director General of Police,
Egmore, Chennai.
5. The Superintendent of Prison,
Madurai Central Prison,
Madurai District
(in duplicate for communication to the detenu)
6. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN
HCP [MD].No.1731 of 2017
06.03.2018

RR
MKV-PM-PN-SAR 3/6.3.2018/3P-8C