



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

HCP [MD].No.1832 of 2017

Lakshmanan : Petitioner
Vs.

1.State of Tamil Nadu
rep. By the Principal Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George Chennai-600009.

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

3.The Superintendent of Prison
Central Prison,
Palayamkottai
Tirunelveli

: 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 entire records connected with the detention order passed in H.S.(M) Confdl.No.46/2017 dated 29.11.2017 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Lakshmanan, aged about 22 years, S/o.Subramanian, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

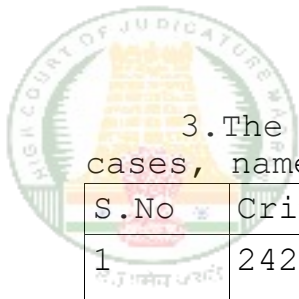
For Petitioner : Mr.N.Pragalathan
For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu viz. Lakshmanan, male aged about 22 years. The detenu has been detained, as per the order of the second respondent, dated 29.11.2017, 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 two cases, namely,

S.No	Crime Numbers	Offences	Police Station
1	242/2015	147, 148, 294 (b), 342 and 506 (ii) IPC	Author Police Station
2	168/2017	341, 294 (b) and 307 IPC	Pudukottai Police Station

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 13.10.2017 and the order of detention was passed on 29.11.2017. This delay of 47 days remains unexplained, which would vitiate the order of detention.

7. For the reason 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 H.S.(M) Confdl.No.46/2017 dated 29.11.2017 is quashed. The detenu, namely, Lakshmanan, aged about 22 years, S/o.Subramanian 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)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government

State of Tamil Nadu

Home, Prohibition and Excise Department,
Fort St. George Chennai-600009.

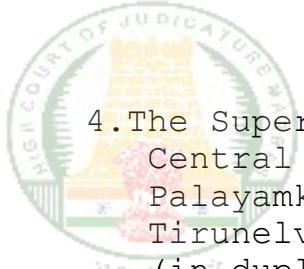
2. The Joint Secretary to Government,

Home Department,

Secretariat, Chennai.

3. The District Collector and District Magistrate,

Thoothukudi District, Thoothukudi.



4.The Superintendent of Prison
Central Prison,
Palayamkottai
Tirunelveli

(in duplicate for communication to the detenu)

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

6.The Director General of Police,
Egmore, Chennai.

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06.03.2018

RR

KK/SKN RSK/SAR 3/06.03.2018/ 3P- 8C/