



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

H.C.P(MD)No.1261 of 2018

Pandi

.. Petitioner

Vs.

1. State of Tamil Nadu, rep.by
its Secretary to Government,
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,
Central Prison,
Madurai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent in Detention order No.72 of 2018 dated 15.08.2018 quash the same and direct the respondents to produce the person or body of the Detenu Ashok kumar S/o.Pandi aged about 29 years (now detained at Central Prison Madurai) before this Court and set him at liberty.

For Petitioner	: Mr.C.Mayilvahana Rajendran
For Respondents	: Mr.K.Dinesh Babu Additional Public Prosecutor.

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the father of the detenu. The dtenu has been detained by the second respondent by his order in Detention Order No.72/2018 dated 15.08.2018, holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982.

The said order is under challenge in this Habeas Corpus Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

2.We have heard the learned counsel for the petitioner and



the sponsoring authority and the detention order, the Division Bench of this Court has concluded thus:

"Such delays tend to have an affect of snapping the link between prejudicial activity and passing of preventive orders....."

WEB COPY

6. In view of the above decision rendered by the Division Bench of this Court, this Court is of the view that the detention order is unsustainable in law on the ground of inordinate and unexplained delay in passing the detention order and the live link between arrest and need for passing the order of detention has snapped and the detention order is liable to be set aside.

7. In the result, the Detention Order, passed by the second respondent, in his proceedings in Detention Order No.72/2018 dated 15.08.2018 is quashed. The detenu, namely, Ashok Kumar S/o.Pandi aged about 29 years is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case.

8. The Habeas Corpus Petition shall stand allowed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The 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,
Central Prison, Madurai.
4. The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St. George, Chennai-9.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MJ

TE/SV/SAR-2 : 26/11/2018 : 3P/6C
<https://hcservices.ecourts.gov.in/hcservices/>

H.C.P (MD) No.1261 of 2018
26.10.2018