

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

H.C.P. No. 1228 of 2019

Ulagammal

... Petitioner

-vs-

1. State of Tamil Nadu,
Rep. by the Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Commissioner Office Greater Chennai,
Vepery, Chennai - 07.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records relating to the detention order in Memo No. 285/BCDFGISSSV/2019 dated 27.05.2019 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Thiru. Ganesa Murthy @ Ramesh, S/o. Murugesan, aged about 29 years, the detenu now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son at liberty.

For Petitioner : Mr.R.Muthukumar

For Respondents : Mr.C.Iyyappa Raj
Addl. Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, Ganesa Murthy @ Ramesh, S/o. Murugesan, aged about 29 years. The detenu has been detained by the second respondent by his order in Memo No. 285/BCDFGISSSV/2019 dated 27.05.2019 holding to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

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

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3.Among other grounds, the detention order is mainly attacked on the ground that there is a delay in passing the order of detention. Learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 14.04.2019, the detention order was passed only on 27.05.2019 i.e., after a considerable delay of more than one month. Therefore, the detention order has to be set aside.

4.As seen from the grounds of detention, it is clear that though the detenu was arrested on 14.04.2019, the order of detention came to be passed only on 27.05.2019 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.

5.We have gone through the entire materials placed on record. There is no satisfactory explanation offered by the Detaining Authority for the delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.

6.In the result, the Habeas Corpus Petition is allowed and the order of detention Memo No. 285/BCDFGISSSV/2019 dated 27.05.2019, passed by the second respondent is set aside. The detenu, Ganesa Murthy @ Ramesh, S/o. Murugesan, aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case.

mmi/ssm

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

//True Copy//

WEB COPY

Sub Assistant Registrar

To

1.The Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Commissioner Office Greater Chennai,
Vepery, Chennai - 07.

3.The Superintendent,
Central Prison,Puzhal, Chennai.

4.The Joint Secretary to Government,
Public (Law & Order),
Fort St.George,
Chennai -600 009.

5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1228 of 2019

Kak(16/10/2019)



WEB COPY