

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M. NIRMAL KUMAR

H.C.P. No. 1308 of 2019

V.Vadavan ... Petitioner

-vs-

- 1.State of Tamil Nadu
Rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009
- 2.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007. ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records relating to the order of detention passed by the second respondent herein in his proceedings No. BCDFGISSSV 287/2019 dated 28.05.2019 branding him as Goonda under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act 1982 (Tamil Nadu Act 14 of 1982) and quash the same and direct the respondents to produce the said detenu namely Thiru. Ananth, aged about 24 years, who is now detained in Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner : Mr.M.Babu Muthu Meeran

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 father of the detenu - Ananth, S/o. Vadavan aged about 24 years. The detenu has been detained by the second respondent by his order in No. BCDFGISSSV 287/2019 dated 28.05.2019 , holding him 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 perused the materials available on record.

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 20.04.2019, the detention order was passed only on 28.05.2019 i.e., after a considerable delay of 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 20.04.2019, the order of detention came to be passed only on 28.05.2019 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 in No. BCDFGISSSV 287/2019 dated 28.05.2019, passed by the second respondent is set aside. The detenu, namely, Ananth, S/o. Vadavan aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009

2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.

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

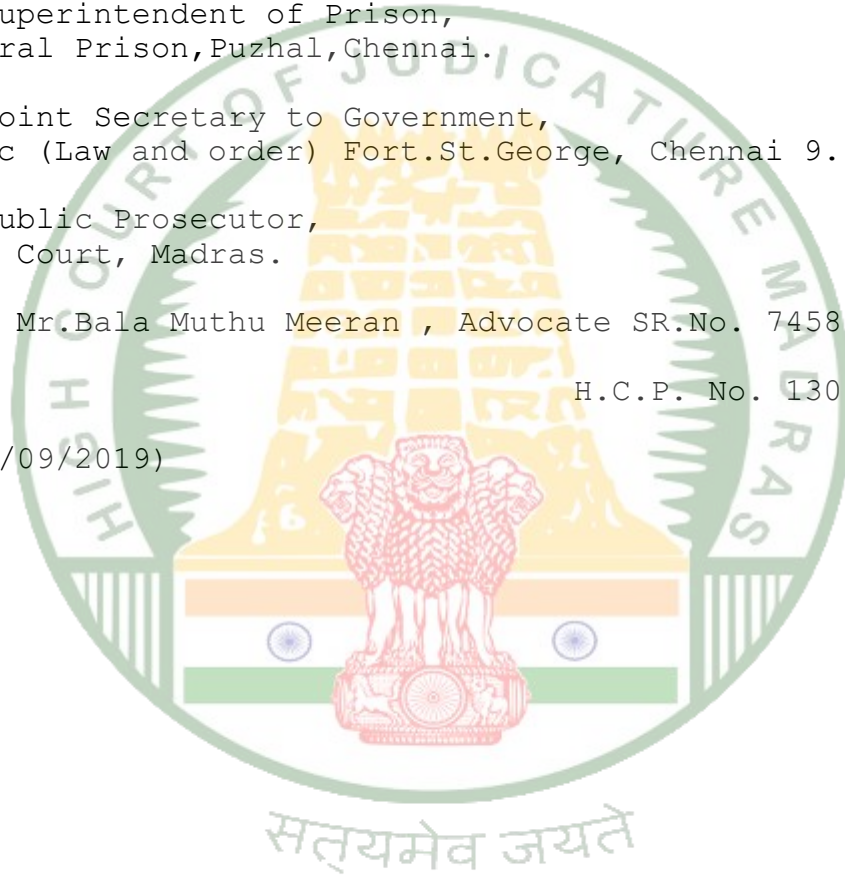
4. The Joint Secretary to Government,
Public (Law and order) Fort. St. George, Chennai 9.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. Bala Muthu Meeran , Advocate SR.No. 74587

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A.SK(25/09/2019)



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