

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. 1371 of 2019

Denis Jackson

... Petitioner

-vs-

1. Government of Tamil Nadu

Rep. by its Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Chennai - 600 009

2. The Commissioner of Police/Detaining Authority,
Tiruppur City.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the entire records in C.No.03/G/IS/2019 dated 24.05.2019 on the file of the second respondent herein and set aside the same and direct the respondents herein to produce the body of the petitioner's cousin brother Kuruvi @ Gurusakthi, aged 31 years, son of Ganesan, now confined in Central Prison, Coimbatore and set him at liberty.

For Petitioner : Ms.R.Subadra Devi

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 cousin brother of the detenu - Kuruvi @ Gurusakthi, S/o. Ganesan aged about 31 years. The detenu has been detained by the second respondent by his order in C.No.03/G/IS/2019 dated 24.05.2019, 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 08.03.2019, the detention order was passed only on 24.05.2019 i.e., after a considerable delay of more two months. 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 08.03.2019, the order of detention came to be passed only on 24.05.2019 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 C.No.03/G/IS/2019 dated 24.05.2019, passed by the second respondent is set aside. The detenu, namely, Kuruvi @ Gurusakthi, S/o. Ganesan aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

mmi/ssm
To

- 1.The Secretary,
Home, Prohibition and Excise(XVI) Department,
Fort St. George, Chennai - 600 009
- 2.The Commissioner of Police/Detaining Authority,
Tiruppur City.

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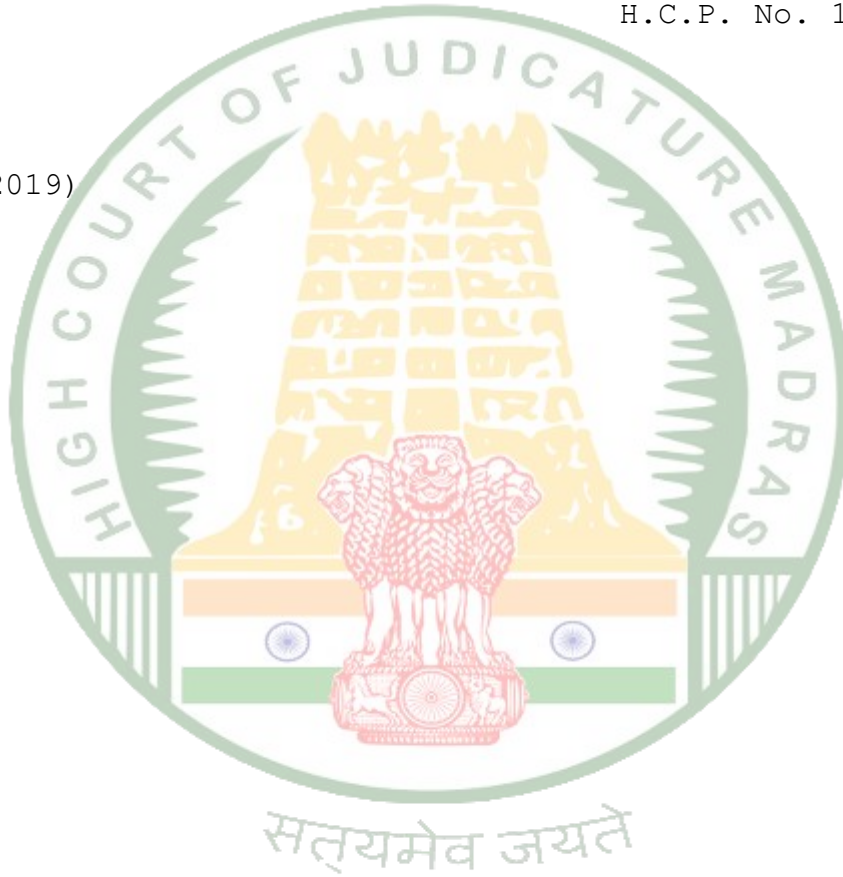
3.The Superintendent of Prison,
Central Prison,Coimbatore.

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

5.The Public Prosecutor,
High Court, Madras

H.C.P. No. 1371 of 2019

LN(CO)
SP(03/10/2019)



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