

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No.1408 of 2019

Parimala

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George, Chennai - 09.

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

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in No.354/BCDFGISSSV/2019 dated 26.06.2019 on the file of the second respondent herein and set aside the same as illegal and produce the detenu Murugan, son of Nagaraj, aged about 27 years, who is confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondents : Mr.R.Prathap Kumar
: Addl. Public Prosecutor
ORDER

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

The petitioner is the mother of the detenu - Murugan, son of Nagaraj, male, aged about 27 years. The detenu has been detained by the second respondent by his order in No.354/BCDFGISSSV/2019 dated 26.06.2019, 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 31.03.2019, the detention order was passed only on 26.06.2019 i.e., after a considerable delay of nearly three 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 31.03.2019, the order of detention came to be passed only on 26.06.2019 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.354/BCDFGISSSV/2019 dated 26.06.2019, passed by the second respondent is set aside. The detenu, namely, Murugan, son of Nagaraj, male, aged about 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-V)

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Sub Assistant Registrar

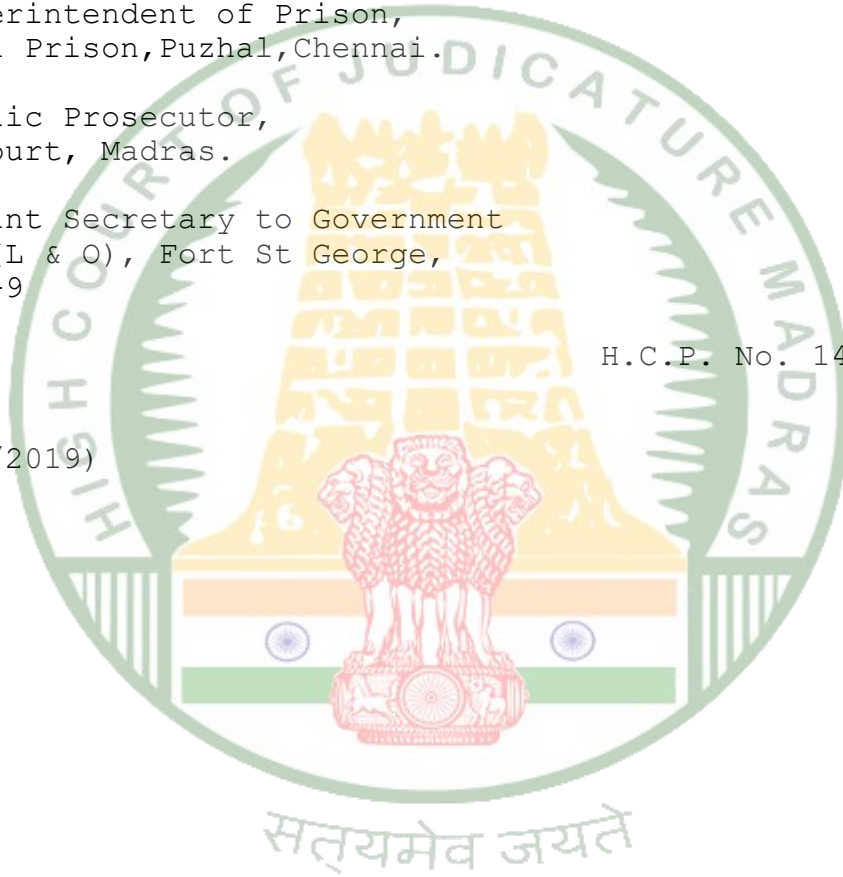
mmi/ssm

To

- 1.The Secretary to Government,
Department of Prohibition and Excise(Home),
Fort St.George, Chennai - 09.
- 2.The Commissioner of Police,
Chennai City Police, Greater Chennai,
Commissioner Office, Vepery,
Chennai - 07.
- 3.The Superintendent of Prison,
Central Prison,Puzhal,Chennai.
- 4.The Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to Government
Public (L & O), Fort St George,
Chennai-9

H.C.P. No. 1408 of 2019

MP (CO)
GMY (12/11/2019)



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