

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

Coram

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

H.C.P. No. 1460 of 2019

Manikandan ... Petitioner/Detenu

-vs-

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai. ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 06.05.2019 in Memo No. 219/BCDFGISSSV/2019 against the petitioner Manikandan, male, aged 40 years, S/o. Subramani, who is confined at Central Prison, Puzhal II, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

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

ORDER

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

The petitioner, Manikandan, S/o. Subramani, male, aged 40 years, is the detenu. The detenu has been detained by the second respondent by his order in Memo No. 219/BCDFGISSSV/2019 dated 06.05.2019, 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 22.03.2019, the detention order was passed only on 06.05.2019 i.e., after a considerable delay of one and half 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 22.03.2019, the order of detention came to be passed only on 06.05.2019 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 Memo No. 219/BCDFGISSSV/2019 dated 06.05.2019, passed by the second respondent is set aside. The detenu, namely, Manikandan, S/o. Subramani, male, aged 40 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai.

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

4. The Joint Secretary to Government,
Public (law & Order),
Fort Saint George, chennai 9

5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1460 of 2019

RJI (CO)
GN(05/11/2019)



WEB COPY