

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

Coram

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

H.C.P. No. 1862 of 2019

K.Priya ... Petitioner/
Wife of the detenue

-vs-

- 1.The State of Tamil Nadu
Rep. By its Secretary,
Department of Home, Prohibition and Excise ,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai, Veppery,
Chennai - 600 007.
- 3.The State Rep.by
Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam, 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 Memo No.295/BCDFGISSSV/2019 dated 28.05.2019 on the file of the second respondent and quash the detention order as illegal and direct the respondents to produce the detenu Karthik @ Vannarapettai Karthik, son of Murugan, aged about 29 years, detenu now confined at Central Prison, Puzhal, Chennai and set him at liberty.

For Petitioner : Mr.G.Pavendhan

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 wife of the detenu, Karthik @ Vannarapettai Karthik, son of Murugan, aged about 29 years. The detenu has been detained by the second respondent by his order in Memo No.295/BCDFGISSSV/2019 dated 28.05.2019, 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 06.04.2019, the detention order was passed only on 28.05.2019 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 06.04.2019, 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 Memo No.295/BCDFGISSSV/2019 dated 28.05.2019 passed by the second respondent is set aside. The detenu, namely, Karthik @ Vannarapettai Karthik, son of Murugan, aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Secretary,
Department of Home, Prohibition and Excise ,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai, Veppery,
Chennai - 600 007.
- 3.The Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam, Chennai.
- 4.The Superintendent,
Central Prison,Puzhal,Chennai.
- 5.The Joint Secretary to Government
Public Law and Order department
Fort St.George Chennai-9
- 6.The Public Prosecutor,
High Court, Madras.

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