

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

Coram

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

H.C.P. No. 1936 of 2019

Rajathi

... Petitioner

-vs-

1.State Rep. by

The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2.The District Collector and District Magistrate,
Namakkal,
Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention dated 10.07.2019 passed by the second respondent in C.M.P.No.16/Goonda/2019/M1 and quash the same and produce detenu Ashok, S/o. Dhandapani, aged about 20 years, detained at Central Prison, Salem before this Court and set him at liberty.

For Petitioner : Dr.S.Manoharan

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, Ashok, S/o. Dhandapani, aged about 20 years. The detenu has been detained by the second respondent by his order in

C.M.P.No.16/Goonda/2019/M1 dated 10.07.2019, 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 06.05.2019, the detention order was passed only on 10.07.2019 i.e., after a considerable delay of 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 06.05.2019, the order of detention came to be passed only on 10.07.2019 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.M.P.No.16/Goonda/2019/M1, dated 10.07.2019, passed by the second respondent is set aside. The detenu, namely, Ashok, S/o. Dhandapani, aged about 20 years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-
Assistant Registrar

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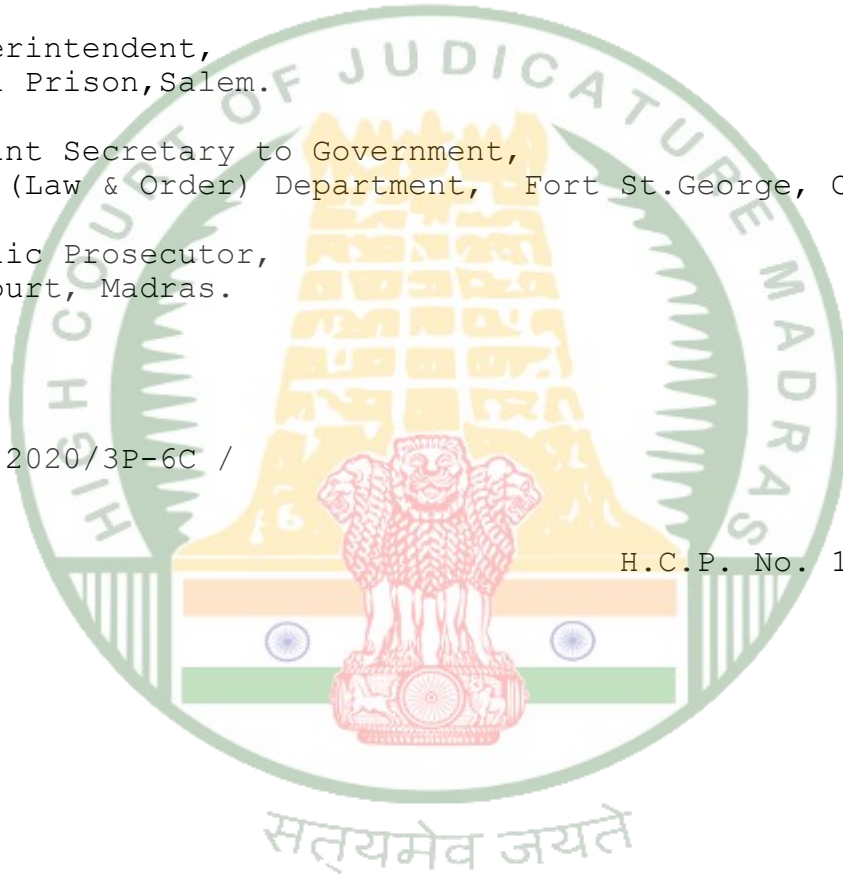
Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Namakkal,
Namakkal District.
- 3.The Superintendent,
Central Prison,Salem.
4. The Joint Secretary to Government,
Public (Law & Order) Department, Fort St.George, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

AKM/07.01.2020/3P-6C /

H.C.P. No. 1936 of 2019



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