

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 83 of 2020

Chidambaram

... Petitioner

-vs-

1. Government of Tamil Nadu
rep. by its Secretary,
Home, Prohibition and Excise (XVI)
Department,
Fort St. George, Chennai - 9.

2. The Commissioner of Police,
Greater Chennai.

.... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records in Detention Order in BCDFGISSSV No.843/2019 dated 07.12.2019 on the file of the second respondent and set aside the same and direct the respondents herein to produce the body of the petitioner Chidambaram, son of Palanimuthu, aged 26 years, now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Ms.R.Subhadra Devi

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

ORDER

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

The petitioner himself is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.843/2019 dated 07.12.2019, holding him to be a "Drug Offender", as contemplated under Section 2(e) 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 21.09.2019, the detention order was passed only on 07.12.2019 i.e., after a considerable delay of more than 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 21.09.2019, the order of detention came to be passed only on 07.12.2019 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 BCDFGISSSV No.843/2019 dated 07.12.2019, passed by the second respondent is set aside. The detenu, namely, Chidambaram, son of Palanimuthu, aged 26 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

raa/mmi/ssm

To

1. The Secretary to Government,
Home, Prohibition and Excise (XVI)
Department,
Fort St. George, Chennai - 9.

2. The Commissioner of Police,
Greater Chennai.

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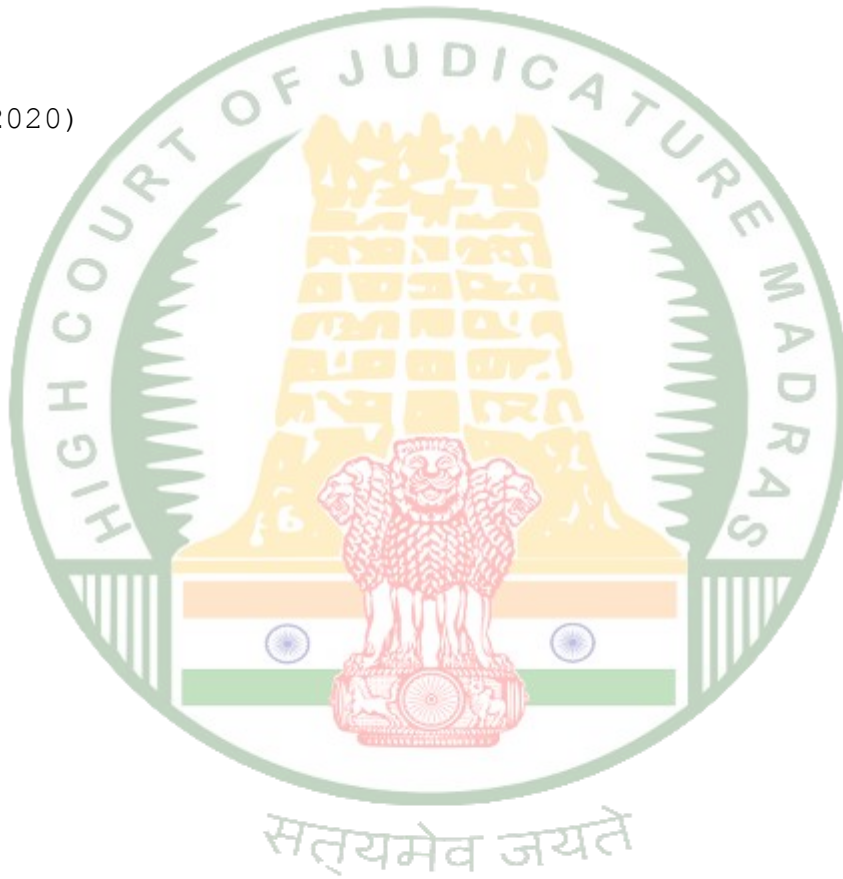
3.The Superintendent,
Central Prison, Puzhal, Chennai.

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.83 of 2020

MR(CO)
GN(31/07/2020)



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