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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.492 of 2020

Manivannan

... Petitioner

Vs

1.The Secretary to Government,
Home Prohibition & Excise Department,
Secretariat, Fort St George,
Chennai - 600 009.

2.The Commissioner of Police,
Salem City,
O/o.Commissioner of Police,
Linemedu,
Salem - 636 006.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records, relating to the petitioner detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 02.12.2019 on the file of the second respondent herein made in proceedings Memo C.M.P.No.53/Goonda/Salem City/2019, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner namely Manivannan S/o. Ramalingam, aged 38 years before this Court and set the Petitioner at liberty from detention, now the petitioner detained at Central Prison, Salem.

For Petitioner : Mr.W.Camyles Gandhi.

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

O R D E R

(Order of the court was made by N.KIRUBAKARAN, J.)

The matter is heard through video-conferencing.



2.The Petitioner who is the detenu had challenged the detention order passed in C.M.P.No.53/Goonda/Salem City/2019 dated 02.12.2019 by the second respondent, terming him as 'GOONDA' as he has got three adverse cases to his credit.

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3.Heard Mr.W.Camyles Gandhi, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the respondents.

4.The learned Counsel appearing for the Petitioner submitted that the all cases registered against the petitioner are cooked up cases. He further submitted that there is a delay in disposing of the representation sent on behalf of the Petitioner. However, the said submission was opposed by the learned Additional Public Prosecutor.

5.Considering the fact that there is 7 days delay in disposing of the representation sent on behalf of the Petitioner, the detention order passed by the second respondent is vitiated. Hence, the detention order has to be necessarily quashed.

6.Accordingly the detention order passed by the second respondent in C.M.P.No.53/Goonda/Salem City/2019 dated 02.12.2019 is quashed. The detenu viz., Manivannan S/o. Ramalingam, aged 38 years, who is confined in Central Prison, Salem is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

7.In the result, the Habeas Corpus Petition is allowed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



To

- 1.The Secretary to Government,
Home Prohibition & Excise Department,
Secretariat, Fort St George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Salem City,
O/o.Commissioner of Police,
Linemedu,
Salem - 636 006.
- 3.The Superintendent of Prison,
Central Prison,
Salem.
- 4.The Additional Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.492 of 2020

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srg 10/07/2020