

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

Coram

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

H.C.P. No. 737 of 2020

Jayanthi

...Petitioner/Wife of the detenu

-vs-

1. The Secretary to Government,
Department of Home,
Secretariat, Government of Puducherry,
Puducherry.
2. The District Collector cum Authorised Officer,
District Collectorate,
Pettaiyanchathiram, Valudavur Road,
Puducherry - 605 009.
3. The Station House Officer,
Kalapet Police Station,
Puducherry.
4. The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.

...Respondents/Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to call for the records relating to the impugned order in No.08/DM/RO/D2/PPASAA/2020 dated 19.03.2020 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the detenu Sukan @ Pradeep, son of Periyasamy, aged about 27 years, now confined at Central Prison, Kalapet, Puducherry, before this Court and set him at liberty.

For Petitioner .. Mr.Ilayaraja Kandasamy
For Respondents .. Mr.V.Balamurugane,
Addl.Public Prosecutor (Puducherry)

ORDER

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

The petitioner is the wife of the detenu has come up with this habeas corpus petition, challenging the detention order passed by the second respondent, vide No.08/DM/RO/D2/PPASAA/2020 dated 19.03.2020, branding the detenu as a "Dangerous Person" as contemplated under sub section (2) of Section 3 of the Puducherry Prevention of Anti-social Activities Act, 2008 (Act No.10 of 2010).

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Puducherry) appearing for the respondents and we have also perused the records carefully.

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 surrendered on 24.09.2019, the detention order was passed only on 19.03.2020 i.e., after a considerable delay of five 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 surrendered on 24.09.2019, the order of detention came to be passed only on 19.03.2020 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 No.08/DM/RO/D2/PPASAA/2020 dated

19.03.2020 passed by the second respondent is set aside. The detenu, namely, Sugan @ Pradeep, son of Periyasamy, aged about 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government,
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Puducherry.
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4. The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.
5. The Public Prosecutor,
Puducherry.

सत्यमेव जयते

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CO (LN)
BDL/30/12/2020

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