

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

Coram

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

H.C.P. No. 809 of 2020

Rajadurai

... Petitioner

-vs-

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai.
2. The Commissioner of Police/
Detaining Authority,
City Police Officer,
Tiruppur City, Tiruppur - 641 603.
3. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
4. State rep by its
The Inspector of Police,
Udumalaipettai Police Station,
Tiruppur District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the entire records, relating to the petitioner detention under Tamil Nadu Act 14 of 1982 vide detention order dated 20.02.2020 on the file of the second respondent, herein made in proceedings Memo C.No.13/G/IS/2020, quash the same as illegal and consequently direct the respondents to produce the petitioner namely Rajadurai, S/o.Mariyanatha, aged 22 years, before this Court and set the petitioner at liberty from detention, now the petitioner detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

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

The petitioner, Rajadurai, S/o.Mariyanatha, male, aged 22 years, is the detenu. The detenu has been detained by the second respondent by his order in Memo C.No.13/G/IS/2020, dated 20.02.2020, holding him 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 08.12.2019, the detention order was passed only on 20.02.2020, 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 08.12.2019, the order of detention came to be passed only on 20.02.2020 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 Memo C.No.13/G/IS/2020, dated 20.02.2020, passed by the second respondent is set aside. The detenu, namely, Rajadurai, S/o.Mariyanatha, male, aged 22 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

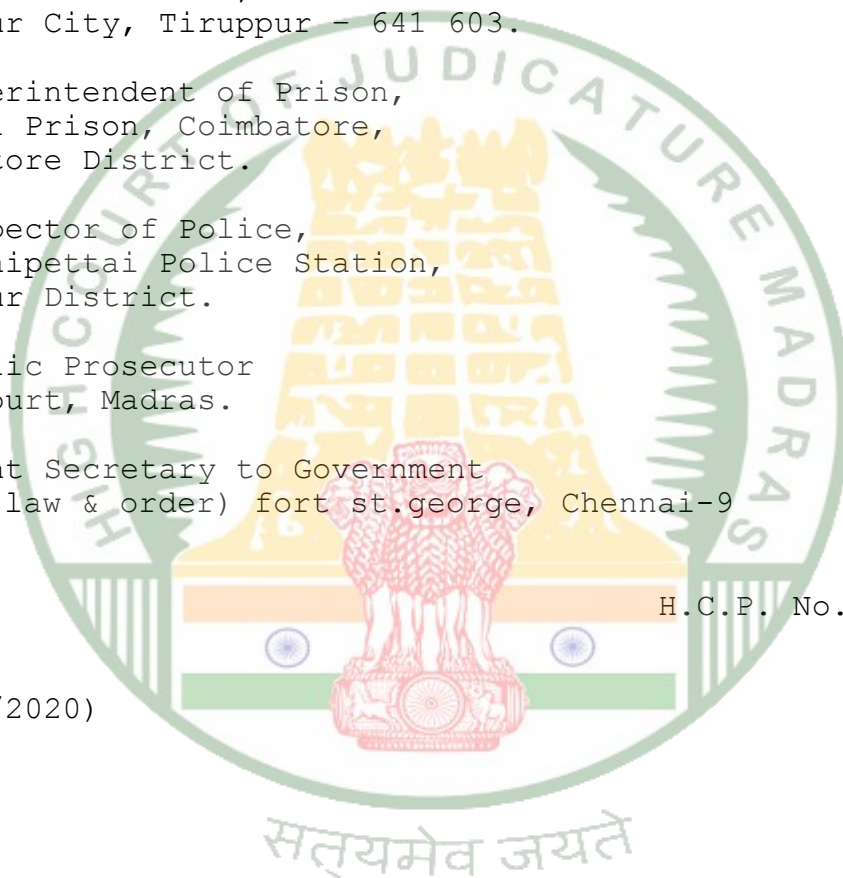
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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai.
- 2.The Commissioner of Police/
Detaining Authority,
City Police Officer,
Tiruppur City, Tiruppur - 641 603.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
- 4.The Inspector of Police,
Udumalaipettai Police Station,
Tiruppur District.
- 5.The Public Prosecutor
High Court, Madras.
- 6.The Joint Secretary to Government
public (law & order) fort st.george, Chennai-9

H.C.P. No.809 of 2020

PM(CO)
RMP (03/12/2020)



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