

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

Coram

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

H.C.P. No. 1406 of 2020

Vivek Singh

...Petitioner

-vs-

1. The State of Tamil Nadu
rep. by Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai.
2. The Commissioner of Police,
Commissioner of City Police Office,
Line Medu, Salem - 636 006.
Salem District.
3. The Superintendent of Prison,
Central Prison, Hasthampatty,
Salem - 636 007. Salem District.
4. The Inspector of Police,
Steel Plant Police Station,
Salem City Police, Salem 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 culminating in the passing of the order of the detention of the petitioner's brother by name Sooraj, aged 25 years, S/o.Raghuveer Singh under Act 14/1982 vide detention order CMP No.20/GOONDA/SALEM CITY/2020 dated 08.05.2020 on the file of the second respondent herein and quash the same as illegal and consequently direct the respondents herein to produce the body and person of Sooraj, S/o.Raghuveer Singh, now detained in Central Prison, Salem, before this Court and thereafter set him at liberty.

For Petitioner : Mr.S.P.Venkatesh

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 brother of Sooraj, aged 25 years, S/o.Raghuveer Singh, who is the detenu. The detenu has been detained by the second respondent by his order in CMP No.20/GOONDA/SALEM CITY/2020 dated 08.05.2020, 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 10.03.2020, the detention order was passed only on 08.05.2020 i.e., after a considerable delay of nearly 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 10.03.2020, the order of detention came to be passed only on 08.05.2020 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 CMP No.20/GOONDA/SALEM CITY/2020 dated 08.05.2020, passed by the second respondent is set aside. The detenu, namely, Sooraj, aged 25 years, S/o.Raghuveer Singh, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

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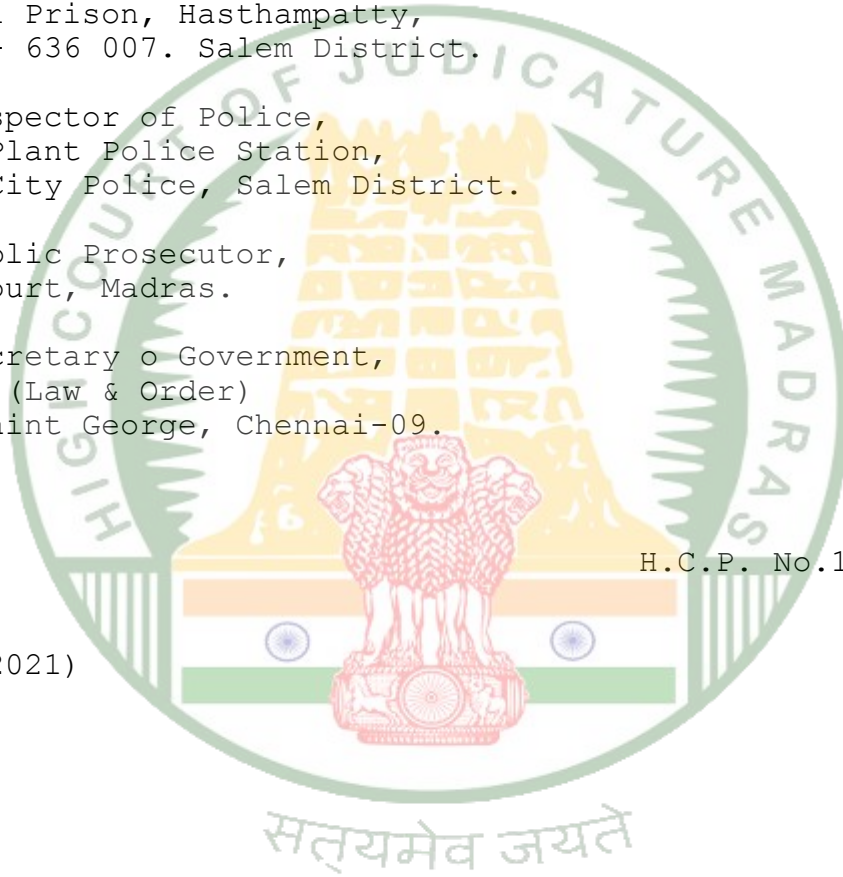
Sub Assistant Registrar

To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai.
2. The Commissioner of Police,
Commissioner of City Police Office,
Line Medu, Salem - 636 006.
Salem District.
3. The Superintendent of Prison,
Central Prison, Hasthampatty,
Salem - 636 007. Salem District.
4. The Inspector of Police,
Steel Plant Police Station,
Salem City Police, Salem District.
5. The Public Prosecutor,
High Court, Madras.
6. The Secretary o Government,
Public (Law & Order)
Fort saint George, Chennai-09.

H.C.P. No.1406 of 2020

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