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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P.No.990 of 2021

Thangavel

..Petitioner

Vs.

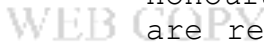
1. State of Tamil Nadu represented by
The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Salem City,
O/o.The Commissioner of Police,
Linemedu, Salem - 636 006.
3. The Inspector of Police,
Kondalampatty Police Station,
Salem District.
- 4.The Superintendent of Prison,
Central Prison, Salem,
Salem District.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order dated 12.05.2021 passed by the second respondent in his proceedings No.C.M.P.No.31/Goonda/Salem City/2021 and quash the same and direct the respondents herein to produce the petitioner's son viz., Mayilsamy, son of Thangavel, aged about 33 years, who is presently undergoing detention in the Central Prison, Salem, as Goonda, before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor



7. In *Rekha vs. State of Tamil Nadu* (2011 (5) SCC 244), the Honourable Supreme Court has held that the procedural safeguards are required to be zealously watched and enforced by the Courts of law and their rigour cannot be allowed to be diluted on the basis of the nature of the alleged activities undertaken by the detenu.

9. In *Tara Chand vs. State of Rajasthan and others*, reported in 1980 (2) SCC 321, the Honourable Supreme Court has held that any inordinate and unexplained delay on the part of the Government in considering the representation renders the very detention illegal.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.31/Goonda/Salem City/2021 dated 12.05.2021, passed by the second respondent is set aside. The detenu, viz., Mayilsamy, son of Thangavel, aged about 33 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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To

- <https://hcservices.ecourts.gov.in/hcservices/>



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

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3. The Inspector of Police,
Kondalampatty Police Station,
Salem District.
4. The Superintendent of Prison,
Central Prison, Salem,
Salem District.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.990 of 2021

PMK(CO)
RGA(29/11/2021)