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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.998 OF 2021

S.Mohan

.. Petitioner

Vs.

1. State of Tamil Nadu represented by
The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Magistrate and District Collector,
Tiruppur District, Tiruppur.
3. The Superintendent of Police,
Tiruppur District, Tiruppur.
4. The Superintendent of Central Prison,
Coimbatore, Coimbatore District.
5. The Inspector of Police, L & O,
Perumanallur 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 records made in Cr.M.P.No.20/Goonda/2021 dated 31.05.2021 on the file of the District Magistrate and District Collector, Tiruppur District, the second respondent herein and quash the same as illegal and direct the respondents to produce the detenu Yuvaraj, son of Mohan, aged 23 years, now confined in the Central Prison, Coimbatore, before this Court and set him at liberty.



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For Petitioner : Mr.R.Sankarasubbu

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

ORDER

[Made by P.N.PRAKASH, J.]

The petitioner is the father of the detenu Yuvaraj, son of Mohan, aged 23 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.20/Goonda/2021 dated 31.05.2021, 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. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that there is gross violation of procedural safeguards, which would vitiate the detention. The learned counsel, by placing authorities, submitted that the representation made by the petitioner was not considered on time and there was an inordinate and unexplained delay.

4. The learned Additional Public Prosecutor opposed the Habeas Corpus Petition. He would submit that though there was delay in considering the representation, on that score alone, the impugned detention order cannot be quashed. According to the learned Additional Public Prosecutor, no prejudice has been caused to the detenu and thus, there is no violation of the fundamental rights guaranteed under Articles 21 and 22 of the Constitution of India.

5. The Detention Order in question was passed on 31.05.2021. The petitioner made a representation on 08.06.2021. Thereafter, remarks were called for by the Government from the Detaining Authority on 14.06.2021. The remarks were duly received on 22.06.2021. Thereafter, the Government considered



passed by the second respondent is set aside. The detenu, viz., Yuvaraj, son of Mohan, aged 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Magistrate and District Collector,
Tiruppur District, Tiruppur.
3. The Superintendent of Police,
Tiruppur District, Tiruppur.
4. The Superintendent of Central Prison,
Coimbatore, Coimbatore District.
5. The Inspector of Police, L & O,
Perumanallur Police Station,
Tiruppur District.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.998 of 2021

PMK (CO)
A.SK. (24.11.2021)