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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH  
and  
The Honourable Mrs. Justice R.HEMALATHA

H.C.P.No.1226 of 2021

Sivasakthi

.. Petitioner/Wife of the detenu

Vs.

1. State of Tamil Nadu represented by  
The Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St.George,  
Chennai-9.
2. The District Collector and District Magistrate,  
Thiruvannamalai District, Thiruvannamalai.
3. The Superintendent of Police,  
Thiruvannamalai District, Thiruvannamalai.
4. The Inspector of Police,  
P.E.W. Chengam Police Station,  
Thiruvannamalai District.
5. The Superintendent,  
Central Prison,  
Vellore.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records of the detention made in D.O.No.50/2021-C2 dated 14.07.2021 passed by the District Collector and District Magistrate, Thiruvannamalai District, Thiruvannamalai, the second respondent herein and set aside the same and direct the respondents to produce the detenu before this Court and set the detenu Pichandi, son of Rajikannu, aged about 45 years, now confined in the Central Prison, Vellore, at liberty.



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For Petitioner : Mr.R.Balakrishnan

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

ORDER

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

The petitioner is the wife of the detenu Pichandi, son of Rajikannu, aged about 45 years. The detenu has been detained by the second respondent by his order in D.O.No.50/2021-C2 dated 14.07.2021, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 strongly opposed the Habeas Corpus Petition by filing his counter. 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 14.07.2021. The petitioner made a representation on 02.08.2021. Thereafter, remarks were called for by the Government from the Detaining Authority on 05.08.2021. The remarks were duly





Pichandi, son of Rajikannu, aged about 45 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

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St.George,  
Chennai-9.
2. The District Collector and District Magistrate,  
Thiruvannamalai District, Thiruvannamalai.
3. The Superintendent of Police,  
Thiruvannamalai District, Thiruvannamalai.
4. The Inspector of Police,  
P.E.W. Chengam Police Station,  
Thiruvannamalai District.
5. The Superintendent,  
Central Prison,  
Vellore.
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.1226 of 2021

VBM(CO)  
SU(15/12/2021)