

several grounds, he has confined his arguments only to the delay in disposal of the petitioner's representation. It is submitted by the learned counsel for the petitioner that the procedural safeguards guaranteed under Articles 21 and 22 of the Constitution of India have not been followed in this case and there is unexplained and inordinate delay in disposal of the petitioner's representation, which would vitiate the impugned order of detention.

3. Mr.S.Ravi, learned Standing counsel appearing for the respondents, on instructions, submitted that after satisfying with the materials placed by the Sponsoring Authority, the Detaining Authority has passed the detention order and there is no illegality or infirmity in the detention order. It is also stated that even if there is any delay in disposal of the representation, it has not caused any prejudice to the rights of the detenu and hence, prayed for dismissal of the habeas corpus petition.

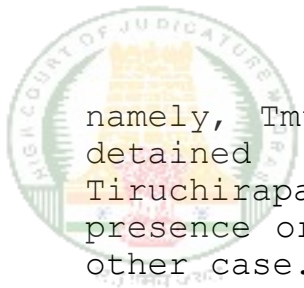
4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In the instant case, the proforma furnished by the learned Standing counsel would indicate that as against the impugned detention order, the petitioner made a representation to the first respondent on 11.03.2021 and it was received on 15.03.2021. Remarks were called for on the same day i.e. 15.03.2021 and it was received on 31.03.2021. The Deputy Secretary dealt with the matter on 31.03.2021. The concerned Minister dealt with the matter on 12.04.2021 and the representation came to be rejected on 15.04.2021. It is seen that in between 15.03.2021 and 31.03.2021, there was a delay of 10 days, after excluding the Government Holidays of 5 days, in considering the petitioner's representation.

6. At this juncture, it is useful to refer the decision of the Honourable Apex Court in the case of *Rajammal vs. State of Tamil Nadu and another*, reported in 1999 (1) SCC 417, wherein the Apex Court has observed and held that it is for the Authority concerned to explain the delay, if any, in disposal of the representation and if any delay was caused on account of nay indifference or lapse in considering the representation, such delay will adversely affect further detention of the prisoner.

7. In the case on hand, as stated supra, the delay of 10 days in considering the representation of the petitioner has not been properly explained by the respondents. Hence, in our considered view, the detention order is liable to be set aside solely on the ground of delay by following the decision of the Honourable Apex Court referred supra.

8. In fine, the Habeas Corpus Petition is allowed. The detention order made in P.D.O.No.9 of 2021, dated 27.02.2021, passed by the first respondent, is set aside. Consequently, the detenu, <https://hservices.hccourts.gov.in/hservices/>



namely, Tmt.Chitra, W/o.Rethinam, aged about 55 years, who is now detained at Central Prison (Special Prison for Women), Tiruchirapalli, is directed to be released forthwith unless her presence or custody or detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai 600 009.

2.The Joint Secretary to Government,
Public (Law and order) Department,
Fort St.George, Chennai-600 009.

3.The District Magistrate and District Collector,
Pudukottai District,
Pudukottai.

4.The Superintendent,
Central Prison (Special Prison for Women),
Trichy District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

6.The Inspector of Police,
Thirugokarnam Police Station,
Pudukottai District.

+1 CC to M/s.T.ANTONY ARULARULRAJ, Advocate (SR-20998[F] dated 02/07/2021)

H.C.P.(MD) No.413 of 2021
30.06.2021