



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

H.C.P.(MD) No.495 of 2021

Karthikeyan

... Petitioner/Detenu

Vs.

1.State of Tamil Nadu, rep.by

The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George,
Chennai - 600 009.

2.The District Collector and

District Magistrate,
O/o.The District Collector and
District Magistrate,
Thanjavur District,
Thanjavur.

3.The Superintendent,

Central Prison,
Tiruchirappalli.

... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records in detention order passed in P.D.No.28/2021, dated 04.03.2021, on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the petitioner namely Karthikeyan, S/o.Muniyandi, male, aged 28 years, who is detained in Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.S.Ravi
Additional Public Prosecutor



O R D E R

S. VAIDYANATHAN, J.

and

DR. G. JAYACHANDRAN, J.

The petitioner herein was served with detention order dated 04.03.2021, under Act 14 of 1982. Soon after the detention order, the petitioner has made a representation to the State Government, through the Superintendent, Central Prison, Tiruchirappalli, vide letter dated 25.03.2021. Since his representation was not considered within reasonable time, the present petition has been filed to quash the detention order.

2. The learned Additional Public Prosecutor appearing for the respondents would submit the representation of the detenu not received by the State Government and only on furnishing the copy of the Prison Superintendent, Tiruchy, the representation has been received and it has been under active consideration of the State Government and within a week's time, the State is likely to pass orders on the representation of the petitioner. Further, the learned Additional Public Prosecutor submits that the petitioner is a habitual offender having three adverse cases and one ground case in Tanjavur Town West Police Station and few more cases in other Police Stations. According to the learned Additional Public Prosecutor, the petitioner is involved in theft and extortion. Therefore, to maintain peace and tranquility, the detention order has been passed.

3. Considering the averments made in the petition and the counter affidavit, this Court is of the view that the petition is liable to be allowed solely on the ground of inordinate delay in considering the petitioner's representation. Accordingly, this Habeas Corpus Petition is allowed and the detention order in P.D.No.28 of 2021, dated 04.03.2021, passed by the second respondent, is set aside. Consequently, the detenu, namely, Karthikeyan, S/o.Muniyandi, aged about 28 years, who is now detained at Central Prison, Tiruchirappalli, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort.St.George,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
O/o.The District Collector and
District Magistrate,
Thanjavur District,
Thanjavur.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli.
4. The Joint Secretary to Government,
Public (Law & Order), Fort Saint George, Chennai
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.495 of 2021
08.11.2021

TR/ (18.11.2021) 3P 6C