



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.719 of 2021

WEB COPY

G.Punitha

... Petitioner/Mother of the detenu
-vs-

1.State of Tamil Nadu

represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

2.The District Collector and District Magistrate,
O/o. The District Collector and District Magistrate,
Mayiladuthurai District,
Mayiladuthurai.

3.The Superintendent,
Central Prison,
Tiruchirapalli.

... Respondents

PRAYER: Petition 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 C.O.C.No.8 of 2021, dated 29.04.2021, on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Sudhakar @ Sudhakaran, S/o. Gobu, male, aged about 24 years, who is detained in Central Prison, Tiruchirapalli, before this Court and set him at liberty.

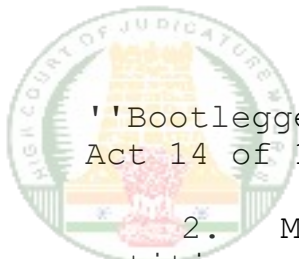
For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.S.Ravi,
Standing Counsel for the Government

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This Habeas Corpus Petition has been filed by the mother of the detenu viz., Sudhakar @ Sudhakaran, aged about 24 years, S/o.Gobu, challenging the detention order passed by the second respondent, in C.O.C.No.8 of 2021, dated 29.04.2021, branding him as



'Bootlegger', as contemplated under Section 2(b) of the Tamil Nadu Act 14 of 1982.

2. Mr.K.A.S.Prabhu, learned counsel appearing for the petitioner would urge that the detention order impugned in the Habeas Corpus Petition is liable to be quashed on the sole ground of non-compliance of Section 8 of the Act 14 of 1982. According to the learned counsel, the detenu was detained by the order of detention dated 29.04.2021, but the relevant materials were served to the detenu only on 08.05.2021, beyond the period fixed under Section 8 of the Act.

3. On the other hand, Mr.S.Ravi, learned Standing counsel appearing for the respondents, on instructions, would submit that the second respondent chose to pass the Detention Order after having satisfied with the materials supplied by the Sponsoring Authority. It is the submission of the learned Standing counsel that the provisions of the relevant Act has been strictly followed by the Detaining Authority and there is no lapse on his part at the time of passing the Detention Order and hence, prayed for dismissal of the habeas corpus petition.

4. Heard both sides and perused the materials available on record.

5. From the perusal of the records, it is seen that the detenu was detained by the order of the second respondent, dated 29.04.2021, but the relevant records and the booklet were served on the detenu only on 08.05.2021. Section 8 of the Act stipulates that materials have to be served on the detenu within a period of five days. Admittedly, in this case, there is a delay in serving the relevant papers on the detenu.

6. In the light of the above, the Habeas Corpus Petition is allowed. The detention order in C.O.C.No.8 of 2021, dated 29.04.2021, passed by the second respondent, is set aside. Consequently, the detenu, namely, Sudhakar @ Sudhakaran, aged about 24 years, S/o. Gobu, who is now detained at Central Prison, Tiruchirapalli is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case.

Sd/-

Assistant Registrar (CRL)

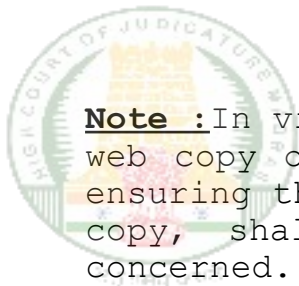
// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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



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.

WEB COPY

To

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

H.C.P. (MD) No.719 of 2021
29.07.2021

RD(11.08.2021) 3P 6C