



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

CORAM:

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

H.C.P. (MD) No.940 of 2021

Thilshadbegum

... Petitioner /
Daughter-in-law of the Detenu

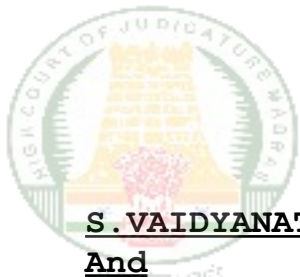
Vs.

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,
Office of the District Collector and District Magistrate,
Tiruchirappalli District,
Tiruchirappalli.
 3. The Superintendent of Prison,
Trichy Central Prison,
Trichy.
- ... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records connected with the detention order of the 2nd respondent in Cr.M.P.No.26/2021 dated 21.05.2021 and quash the same and direct the respondents to produce the body or person of the detenu by name, Safiyullah, son of Mohammed Abdul Kathar, aged about 66 years, now detained at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Arokiya Selva Ramesh

For Respondents : Mr.S.Ravi
Additional Public Prosecutor



O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

[Order of the Court was made by **DR.G.JAYACHANDRAN, J.**]

The petitioner's husband was detained by the District Collector under Act 14 of 1982 in view of his involvement in theft of sand. Having come to the adverse notice to the authorities, the husband of the petitioner, being detained under Act 14 of 1982 vide order, dated 21.05.2021.

2.The primary ground raised challenging the detention order is the delay in considering the representation made on behalf of the detenu to revoke the detention order. From the proforma circulated by the learned Additional Public Prosecutor, this Court finds that from the date of receipt of the representation till the date of rejection of the representation, the authorities have taken 40 days out of which 5 days, the delay was caused by the collectorate forwarding the remarks.

3. Considering the inordinate and unexplained delay in considering the representation, we are of the view that the detention order is unsustainable and hence, the same is liable to be quashed.

4.In fine, the Habeas Corpus Petition is allowed. The detention order passed in Cr.M.P.No.26/2021, dated 21.05.2021, by the 2nd respondent, is set aside. Consequently, the detenu viz., Safiyullah, son of Mohammed Abdul Kathar, aged about 66 years, who is now detained at Central Prison, Trichy, 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)

PJL

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.

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



To

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,
Office of the District Collector and District Magistrate,
Tiruchirappalli District, Tiruchirappalli.
3. The Superintendent of Prison,
Trichy Central Prison, Trichy.
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. 940 of 2021
17.12.2021

RD(30.12.2021) 3P 6C