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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.1017 OF 2021

Jayanthi
W/o.Anandan

.. Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Coimbatore, Coimbatore District.
3. The Superintendent of Police,
Coimbatore, Coimbatore District.
4. The Superintendent of Prison,
Central Prison,
Coimbatore, Coimbatore District.
5. State represented by its
The Inspector of Police,
Sulur Police Station,
Coimbatore District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 09.06.2021 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.11/G/2021/E1, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner's son, namely, Sathishkumar s/o.Anandan, aged 21 years, before this Court and set the detenu at liberty, who is now detained at Central Prison, Coimbatore.



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For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.N.MANJULA, J]

The petitioner is the mother of the detenu viz., Sathishkumar s/o.Anandan, aged 21 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.11/G/2021/E1 dated 09.06.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 09.06.2021. The petitioner made a representation on 28.06.2021. Thereafter, remarks were called for by the Government from the Detaining Authority on 30.06.2021. The remarks were duly received on 06.07.2021. Thereafter, the Government considered the matter and



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released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Coimbatore, Coimbatore District.
3. The Superintendent of Police,
Coimbatore, Coimbatore District.
4. The Superintendent of Prison,
Central Prison,
Coimbatore, Coimbatore District.
5. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
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.1017 of 2021

KSM(CO)
RLP(11/01/2022)