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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.NO.1483 OF 2021

Kaviya

.. Petitioner

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-cum-District Magistrate,
Thiruvarur District.
3. The Superintendent,
Central Prison,
Trichirapalli.
4. The Superintendent of Police,
Thiruvarur.
5. The Inspector of Police,
Edaiyur Police Station Limit,
Tiruthuraipoondi Taluk,
Tiruvarur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention C.O.C.No.09/2021 dated 26.07.2021 passed by the 2nd respondent and quash the same and direct the respondents to produce the detenu Mahadevan, S/o.Shanmugavel, aged 28 years, before this Court, now confined at the Central Prison, Trichirapalli and set him at liberty.



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For Petitioner : Mr.M.Bharath

For Respondents : Mr.E.Raj Thilak
Addl. Public Prosecutor

ORDER

S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

The petitioner is the wife of the detenu Mahadevan, S/o.Shanmugavel, aged 28 years. The detenu has been detained by the second respondent by his order in C.O.C.No.09/2021 dated 26.07.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of 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 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 on behalf of the petitioner was not considered in 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 26.07.2021. The petitioner made a representation on 03.08.2021. Thereafter, remarks were called for by the Government from the Detaining Authority on 05.08.2021. The remarks were duly received on



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Mahadevan, S/o.Shanmugavel, aged 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector-cum-District Magistrate,
Thiruvarur District.
3. The Superintendent,
Central Prison,
Trichirapalli.
4. The Superintendent of Police,
Thiruvarur.
5. The Inspector of Police,
Edaiyur Police Station Limit,
Tiruthuraipoondi Taluk,
Tiruvarur 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.1483 of 2021

SVI (CO)
RLP (21/06/2022)