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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P.NO.1537 OF 2021

Jayanthi

..Petitioner

Vs.

1. State of Tamil Nadu represented 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
of Ranipet,
Office of the District Collector and District Magistrate,
Ranipet, Ranipet District.
3. The Superintendent of Police,
Ranipet, Ranipet District.
4. The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
5. The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order in B3/D.O.No.40/2021, dated 03.07.2021 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Arasu Bharath @ Parasuram, S/o.Tamilchelvan, aged about 19 years, the detenu, now confined in the Central Prison, Vellore, before this Court and set the petitioner's son Arasu Bharath @ Parasuram, S/o.Tamilchelvan, aged about 19 years, the detenu herein at liberty.



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For Petitioner : Mr.D.Gopi Krishnan

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

The petitioner is the mother of the detenu Arasu Bharath @ Parasuram, S/o.Tamilchelvan, aged about 19 years. The detenu has been detained by the second respondent by his order in B3/D.O.No.40/2021, dated 03.07.2021, 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 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 03.07.2021. The petitioner made a representation on 12.07.2021. Thereafter, remarks were called for by the Government from the Detaining Authority on 15.07.2021. The remarks were duly



Arasu Bharath @ Parasuram, S/o.Tamilchelvan, aged about 19 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Collector and District Magistrate
of Ranipet,
Office of the District Collector and District Magistrate,
Ranipet, Ranipet District.
3. The Superintendent of Police,
Ranipet, Ranipet District.
4. The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
5. The Inspector of Police,
Arakkonam Town Police Station,
Ranipet 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.1537 of 2021

SRA(CO)
KKV/04/02/2022