



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

H.C.P.NO.1713 OF 2021

Praveena

...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 Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600 007.
- 3.The Superintendent of Prison,
Central Prison Puzhal,
Chennai-600 066.
- 4.The Inspector of Police,
Central Crime Branch,
Team 15, ALGSC-I,
Chennai.

...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 Memo No.309/BCDFGISSSV/2021 dated 07.10.2021 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 husband Ramesh, S/o.Janarthanan, aged about 43 years, the detenu, now confined in the Central Prison, Puzhal, Chennai, before this Court and set the petitioner's husband Ramesh, S/o.Janarthanan, aged about 43 years, the detenu herein, at liberty.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor



Secretary dealt with it, of which, 4 days were Government Holidays, hence, there was an inordinate delay of 13 days in considering the representation.

7. In *Rekha vs. State of Tamil Nadu* (2011 (5) SCC 244), the Honourable Supreme Court has held that the procedural safeguards are required to be zealously watched and enforced by the Courts of law and their rigour cannot be allowed to be diluted on the basis of the nature of the alleged activities undertaken by the detenu.

8. In *Sumaiya vs. The Secretary to Government* (2007 (2) MWN (Cr.) 145), a Division Bench of this Court has held that the unexplained delay of three days in disposal of the representation made on behalf of the detenu would be sufficient to set aside the order of detention.

9. In *Tara Chand vs. State of Rajasthan and others*, reported in 1980 (2) SCC 321, the Honourable Supreme Court has held that any inordinate and unexplained delay on the part of the Government in considering the representation renders the very detention illegal.

10. In the subject case, admittedly, there is an inordinate and unexplained delay of 10 days in submitting the remarks by the Detaining Authority and unexplained delay of 13 days in considering the representation by the Hon'ble Minister for Home, Prohibition and Excise Department. The impugned detention order is, therefore, liable to be quashed.

In the result, the Habeas Corpus Petition is allowed and the order of detention in No.309/BCDFGISSSV/2021 dated 07.10.2021, passed by the second respondent is set aside. The detenu, viz., Ramesh, S/o.Janarthanan, aged about 43 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-II)

// 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 Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison Puzhal,
Chennai-600 066.

4.The Inspector of Police,
Central Crime Branch,
Team 15, ALGSC-I,
Chennai.

5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.

6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1713 of 2021

PL(CO)
RVM(08/04/2022)