



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

WEB COPY

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.1789 of 2021

J.Sharmiladevi

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Commissioner of Police
/Detaining Authority,
Greater Chennai,
Vepery,
Chennai.

3.The Additional Superintendent,
Central Prison-II,
Puzhal,
Chennai.

4.The Inspector of Police-cum-
Sponsoring Authority,
J-11, Kannagi Nagar Police Station,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to produce the body of the petitioner's husband viz., Jonas Mathew, S/o.Mobas, aged about 23 years, who is detained in 3rd respondent/The Additional Superintendent, Central Prison-II, Puzhal, Chennai, before this Court and set him at liberty forthwith by calling for the records pursuant to the detention order dated 06.10.2021 made in Memo BCDFGISSSV No.305/2021 on the file of the 2nd respondent herein and quash the same.



WEB COPY

For Petitioner : Mr.B.Gopalakrishnan

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

ORDER

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

The petitioner is the wife of the detenu Jonas Mathew, S/o.Mobas, aged about 23 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.305/2021 dated 06.10.2021, 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 06.10.2021. The petitioner made a representation on 27.10.2021. Thereafter, remarks were called for by the Government from the Detaining Authority on 20.11.2021. The remarks were duly received on 26.11.2021. Thereafter, the Government considered



In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.305/2021 dated 06.10.2021, passed by the second respondent is set aside. The detenu, viz., Jonas Mathew, S/o.Mobas, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

nsd
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Commissioner of Police
/Detaining Authority,
Greater Chennai,
Vepery,
Chennai.
- 3.The Additional Superintendent,
Central Prison-II,
Puzhal,
Chennai.
- 4.The Inspector of Police-cum-
Sponsoring Authority,
J-11, Kannagi Nagar Police Station,
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.1789 of 2021

skm[co]
srg 21/04/2022