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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2022

CORAM

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

H.C.P.NO.1886 OF 2021

Rani

.. Petitioner/Wife of the Detenue

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Collector & District Magistrate,
Krishnagiri District,
Krishnagiri.
3. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
4. The Superintendent of Prison,
Central Prison,
Salem.
5. The Inspector of Police,
Hosur PEW Police Station,
Krishnagiri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent dated 27.10.2021 in S.C.No.25/2021 against the petitioner's husband Yellappa, male, aged 38 years, S/o.Chinnapappa, who is confined at the Central Prison, Salem and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.



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For Petitioner : Mr.S.Senthilvel
for Mr.D.Balaji

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

ORDER

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

The petitioner is the wife of the detenu Yellappa, male, aged 38 years, S/o.Chinnapappanna. The detenu has been detained by the second respondent by his order in S.C.No.25/2021 dated 27.10.2021, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 opposed the Habeas Corpus Petition. 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 27.10.2021. The petitioner made a representation on 30.11.2021. Thereafter, remarks were called for by the Government from the Detaining Authority on 03.12.2021. The remarks were duly received on 17.12.2021. Thereafter, the Government considered the matter and



male, aged 38 years, S/o.Chinnapappa, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Collector & District Magistrate,
Krishnagiri District,
Krishnagiri.
3. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
4. The Superintendent of Prison,
Central Prison,
Salem.
5. The Inspector of Police,
Hosur PEW Police Station,
Krishnagiri 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.1886 of 2021

GPL(CO)
RLP(08/04/2022)