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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

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

H.C.P.NO.2112 OF 2021

Shenol

... Petitioner/Mother
of the Detenu

.Vs.

1. The State of Tamil Nadu
Represented by The Secretary,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Collector's Office,
Tirupathur, Tirupathur District.
3. The Superintendent of Police,
Tirupathur, Tirupathur District.
4. The Superintendent of Prison,
Central Jail, Vellore.
5. The Inspector of Police,
Vaniyambadi Town Circle Police Station,
Vaniyambadi,
Tirupathur District.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records from the file of the 2nd respondent relating to the detention order made in C3/D.O.No.47/2021 on 01.11.2021 and set set aside the produce the detenu Kalu @ Dhasthagir, son of Faiyaz Ahmed, aged 19 years, now confined in the Central Jail, Vellore, set him at liberty.

For Petitioner : Mr.V.Ashok Kumar



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

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ORDER

S.VAIDYANATHAN, J.

AND

A.D.JAGADISH CHANDIRA, J.

The petitioner is the mother of the detenu Kalu @ Dhasthagir, son of Faiyaz Ahmed, aged 19 years. The detenu has been detained by the second respondent by his order in C3/D.O.No.47/2021 dated 01.11.2021, 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 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 01.11.2021. The petitioner made a representation on 01.11.2021. Thereafter, remarks were called for by the Government from the Detaining Authority on 24.11.2021. The remarks were duly



by the second respondent is set aside. The detenu, viz., Kalu @ Dhasthagir, son of Faiyaz Ahmed, aged 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(CS III)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
2. The District Collector
and District Magistrate,
Collector's Office,
Tirupathur, Tirupathur District.
3. The Superintendent of Police,
Tirupathur,
Tirupathur District.
4. The Superintendent of Prison,
Central Jail, Vellore.
5. The Inspector of Police,
Vaniyambadi Town Circle Police Station,
Vaniyambadi,
Tirupathur 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.2112 OF 2021

JPL(CO)
PBS/17/06/2022