



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD)No.754 of 2021

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Govindarajan

... Petitioner / Uncle of the Detenue
Vs.

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in P.D.No.56/2021 dated 30.04.2021 in detaining the detenue under section 2 (f) of the Tamilnadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenue, namely, Ragavan, S/o.Rajendran, male, aged about 27 years, who is detained in Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.S.Ravi

Additional Public Prosecutor

O R D E R

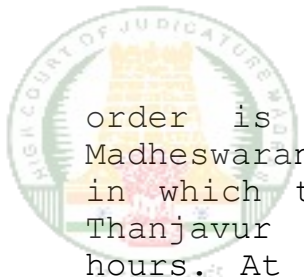
S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

[Order of the Court was made by **DR.G.JAYACHANDRAN, J.**]

The uncle of the detenue, Ragavan, aged 27 years, has filed this Habeas Corpus Petition, challenging the Detention Order passed by the second respondent on 30.04.2021. The ground case upon which the Detaining Authority satisfied to impose preventive detention



order is that on 09.04.2021, the detinue along with one Madheswaran, while travelling in a two wheeler met with an accident in which the detinue Ragavan sustained injury, they went to the Thanjavur Medical College Hospital for treatment at about 20.15 hours. At that time infuriated by the enquiry made by the duty Doctor Arun Pandian, Madheswaran had attacked the duty Doctor Arun Pandian, First Year P.G. Student, working in the emergency ward and caused injury. Therefore, a case in Crime No.170 of 2021 has been registered against four persons for the offences under Sections 147, 148, 294(b), 324, 353, 307 and 506(ii) of IPC r/w Section 3 of Tamilnadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to the Property) Act, 2008.

2. The detention order is challenged on the ground that there is a delay in serving the detention order along with the booklet and delay in disposal of the representation.

3. From the counter, this Court finds that the detention order, dated 30.04.2021 was served to the detinue on 01.05.2021 and the booklet in support of the detention order was served to him on 06.05.2021, ie., beyond five days time prescribed under Section 8 (1) of the Tamil Nadu Act 14 of 1982.

4. Section 8 (1) of the Tamil Nadu Act 14 of 1982 reads as follows:

" 8.Grounds of order of detention to be disclosed to persons affected by the order: (1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but not later than five days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government."

5. Though in this case, the Detention Order was served immediately, the booklet has been served after 5 days from the date of detention. The representation of the petitioner, dated 13.05.2021 was rejected by the authority on 15.07.2021. The papers were pending in the Ministry for more than 30 days out of which 8 days were public holidays. The said inordinate delay in considering the representation of the petitioner prompt this Court to quash the detention order.

6. In the result, this Habeas Corpus Petition is allowed. The order of detention passed by the second respondent, in P.D.No.56/2021, dated 30.04.2021, is set aside. Consequently, the detinue, namely, Ragavan, son of Rajendran, aged about 27 years, who is now detained at Central Prison, Tiruchirappalli, is directed to



be released forthwith unless his presence or custody or detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

4. The Joint Secretary to Government,
Public (Law & Order) Fort St.Goerge, Chennai 600 009

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.754 of 2021
06.01.2022

GM(CO)

KB(25.01.2022) 3P 6C