

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2022**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1000 of 2022

S.Valli : Petitioner/wife of the detenu

Vs.

1.State of Tamil Nadu,
rep. by its The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St. George,
Chennai-9.

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

3.The Superintendent,
Central Prison
Tiruchirappalli,
Trichy District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the records relating to the detention order passed by the 2nd respondent in his proceedings in C.O.C.No.23/2022 dated 18.05.2022 and quash the same and direct the respondents to produce the person or body of the detenu namely, Kora Sekar @ Sekar, son of Govindaraj, aged about 50 years, (now detained at Central Prison, Tiruchirappalli), before this Court and set him at liberty.

For Petitioner	: Mr.V.Malaiyendran
For Respondents	: Mr.A.Thiruvadikumar
	Additional Public Prosecutor

ORDER

[Order of the Court was made by **N.ANAND VENKATESH, J.**]

The petitioner is the wife of the detenu viz., Kora Sekar @ Sekar, son of Govindaraj, aged about 50 years. The detenu has been detained by the second respondent by his order in C.O.C.No.23/2022 dated 18.05.2022 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 for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

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 the detention order was passed on 18.05.2022 and the grounds of detention ought to have been served within five days, ie., on or before 23.05.2022. However, it was served on the detenu only on 27.05.2022 and therefore, there is a delay of eight days in serving the booklet to the detenu. On the said sole ground, he contended that the detention order is liable to be set aside.

4. Perusal of the record shows that no doubt, the detention order was passed on 18.05.2022 and the booklet was served on the detenu only on 27.05.2022. As per Section 8 of the Act 14 of 1982, the detaining authority not later than five days from the date of detention, serve the detenu the grounds of detention. As per the said Act, one day should be excluded.

In the present case, after excluding the said one day, it is seen that the booklet has been served with a delay of seven days and hence, the detention order is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.O.C.No.23/2022 dated 18.05.2022 passed by the second respondent is set aside. The detenu, viz., Kora Sekar @ Sekar, son of Govindaraj, aged about 50 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R., J.) (N.A.V., J.)
01.12.2022

Internet : Yes

RM

To

- 1.The Additional Chief Secretary to Government
State of Tamil Nadu,
Home, Prohibition and Excise Department
Fort St. George,
Chennai-9.
- 2.The District Collector and District Magistrate
Nagapattinam,
Nagapattinam District.
- 3.The Superintendent,
Central Prison
Tiruchirappalli,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P.(MD)No.1000 of 2022

M.S.RAMESH, J.

and

N.ANAND VENKATESH, J.

rm

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