



*HCP(MD)No.1292 of 2022*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 06.12.2022

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN  
AND  
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**H.C.P.(MD)No.1292 of 2022**

A.Saroja

.. Petitioner/ mother of the  
Detenu

Vs.

1.State of Tamil Nadu,  
Rep. by the Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St.George,  
Chennai-600 009.

2.The District Magistrate and District Collector,  
Office of the District Magistrate and District Collector,  
Thanjavur District,  
Thanjavur.

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

4.The Inspector of Police,  
Cholapuram Police Station,  
Thanjavur District.

.. Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records connected with the detention order passed in P.D.No.59/2022 dated 27.05.2022 on the file of the 2<sup>nd</sup> respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely, the petitioner's son, ie.,Shanmugam, aged about 26 years, son of Amirthalingam, now detained at the Central Prison, Tiruchirappalli, before this Court and set him at liberty forthwith.

For Petitioner : Mr.B.Senthil Kumar

For Respondents : Mr.A.Thiruvadikumar  
Additional Public Prosecutor

### **ORDER**

**DR.G.JAYACHANDRAN, J.**  
**and**  
**SUNDER MOHAN, J.**

The petitioner is the mother of the detenu, viz. Shanmugam, aged about 26 years, son of Amirthalingam. The detenu, who is a habitual bootlegger having more than ten cases, has been detained by the second



*HCP(MD)No.1292 of 2022*

respondent vide his detention order in P.D.No.59/2022 dated 27.05.2022 under Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2.The learned counsel for the petitioner submitted that the material papers relied upon by the detaining authority are not related to the petitioner's son. Only to mislead the authorities, the case, which is unconnected to the detenu been cited. Further, he would submit that the order of detention dated 27.05.2022 has not been considered by the Government within the prescribed time and there is an enormous and unexplained delay in disposing the representation. He also submitted that the representation of the petitioner herein received by the Government on 14.06.2022 and thereafter the Government considered the matter and passed the order rejecting the petitioner's representation only on 01.08.2022 after delay of 45 days. Hence, according to the learned counsel for the petitioner, the detention order is liable to be quashed.



**HCP(MD)No.1292 of 2022**

**3.**The learned Additional Public Prosecutor filed a detailed counter stating about the antecedent of the detenu and the probability of repeating the crime if he is not preventively detained.

**4.**This Court, on considering the delay in disposing the representation and the delay of 45 days which is not been explained except for 14 days which are declared as Government Holidays holds that the valuable right of the detenu appears to have been shut by the delay caused by the authorities. On the said sole ground, the detention order is liable to be quashed.

**5.** In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.59/2022 dated 27.05.2022 passed by the second respondent is set aside. The detenu, viz., Shanmugam, aged about 26 years, son of Amirthalingam, is directed to be released forthwith unless his detention is required in connection with any other case.

**[G.J.,J.] & [S.M.,J.]**  
**06.12.2022**

Index: Yes/No



*HCP(MD)No.1292 of 2022*

Internet: Yes/No  
PJJ

To

1. The Additional Chief Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort St. George,  
Chennai-600 009.

2. The District Magistrate and District Collector,  
Office of the District Magistrate and District Collector,  
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5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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and  
SUNDER MOHAN, J.**

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