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HCP Nos.1477 & 1490 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and

The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P. Nos.1477 and 1490 of 2022

H.C.P.No.1477 of 2022

S.Saraswathi

... Petitioner

-VS-

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.

3.The Superintendent of Police,
Central Prison-II,
Puzhal, Chennai.

4.The Inspector of Police,
G1 Vepery Police Station,
Chennai.

... Respondents



HCP Nos.1477 & 1490 of 2022

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.187/BCDFGISSSV/2022 dated 06.07.2022 and quash the same as illegal and produce the detenu Barath @ Mookku Barath, S/o.Sivakumar aged 25 years now he is confined in Central Prison, Puzhal II, Chennai before this Court and set him at liberty.

For Petitioner .. Mr.S.Lokesh

For Respondents .. Mr.R.Muniyapparaj
Additional Public Prosecutor

H.C.P.No.1490 of 2022

K.Jambukarasi ... Petitioner

-VS-

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.

3.The Superintendent of Police,
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G1 Vepery Police Station,
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... Respondents



HCP Nos.1477 & 1490 of 2022

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.188/BCDFGISSSV/2022 dated 06.07.2022 and quash the same as illegal and produce the detenu Vijayarangan, S/o.Kaviraj aged 24 years now he is confined in Central Prison, Puzhal II, Chennai before this Court and set him at liberty.

For Petitioner	..	Mr.S.Lokesh
For Respondents	..	Mr.R.Muniyapparaj
		Additional Public Prosecutor

COMMON ORDER

[Order of the Court was made by M.SUNDAR, J.]

This common order will now dispose of the captioned 'Habeas Corpus Petitions' [hereinafter 'HCPs' in plural and 'HCP' in singular for the sake of convenience and clarity].

2.For the sake of convenience, 'H.C.P.No.1477 of 2022' shall be referred to as 'I HCP' and 'H.C.P.No.1490 of 2022' shall be referred to as 'II HCP'.



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3.In both the HCPs, the detentions orders that have been called in question are dated 06.07.2022 and they bear reference No.187/BCDFGISSSV/2022 and No.188/BCDFGISSSV/2022 as regards I HCP and II HCP respectively.

4.The aforementioned detention orders shall be collectively referred to as 'impugned detention orders' and when they are referred to independently, the same shall be referred to as 'I impugned detention order' and 'II impugned detention order'. The impugned detention orders have been made by the 'second respondent' [hereinafter 'detaining authority' for the sake of brevity and convenience] *inter alia* branding each of the detenu as 'Goonda' within the meaning of Section 2(f) of 'The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders Slum grabbers and Video Priates Act, 1982 (Tamil Nadu Act 14 of 1982)' [hereinafter 'Act 14 of 1982' for the sake of convenience]. The date of occurrence is 29.05.2022 and that is the date of arrest too.



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5.It may not be necessary to advert to the facts of the case much less delve into the same or dilate qua facts as it is a clear case of delay in considering the representation made qua detenues

6.Learned counsel for petitioners submits that there is a delay in considering the representations. In response to this, learned Additional Public Prosecutor placed before us a list of dates which reads as follows:

Representation dated	- 29.07.2022
Representation received on	- 22.08.2022
File submitted on	- 26.08.2022
Under Secretary dealt with on	- 26.08.2022
Deputy Secretary dealt with on	- 26.08.2022
Minister dealt with on	- 29.08.2022
Rejection Letter prepared on	- 29.08.2022
Rejection Letter sent to the detenu on	- 29.08.2022

Govt. Holidays :

28.08.2022

S.No.	Representation	Column 6 to 7	Column 9 to 10
1.	No. of days	03	02
2.	No. of Holidays	-	02
	No. of delay days	03	01
Total 4 days delay			



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Son of Thiru.Sivakumar, now detained in Central Prison-II, Puzhal, Chennai is directed to be set at liberty forthwith unless required in connection with any other case/s.

(ii) H.C.P. No.1490 of 2022 is allowed and impugned detention order dated 06.07.2022 bearing reference Memo No.188/BCDFGISSSV/2022 made by the second respondent is set aside and detenu Thiru.Vijayarangan, aged 24 years son of Thiru.Kaviraj, now detained in Central Prison-II, Puzhal, Chennai is directed to be set at liberty forthwith unless required in connection with any other case/s.

(M.S,J.) (M.N.K.,J.)
28.02.2023

Index:Yes/No

Neutral Citation : Yes/No

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Note: The Registry to forthwith communicate this order to Jail authorities in Central Prison, Puzhal, Chennai.



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To
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- 3.The Superintendent of Police,
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Puzhal, Chennai.
- 4.The Inspector of Police,
G1 Vepery Police Station,
Chennai.
- 5.The Public Prosecutor,
High Court of Madras,
Chennai – 104.



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**M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.**

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