



WEB COPY



H.C.P.No.1746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1746 of 2023

Malar
W/o Gunasekaran .. Petitioner

v.

1. State of Tamil Nadu
rep. by its Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009
2. The Commissioner of Police
Avadi City
3. The Inspector of Police
M-5, Ennore Police Station, Chennai
4. The Superintendent
Central Prison, Puzhal, Chennai .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, to call for the entire records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 26.07.2023 on the file of the second



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respondent herein made in proceedings No.192/BCDFGISSSV/2023 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's son namely Sathya @ Thattu Sathya, aged 24 years, son of Gunasekaran before this Honble High Court and set him at liberty, now petitioner's son detained at Central Prison, Puzhal, Chennai-66.

For Petitioner :: Mr.M.Mahendran

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind, Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner, who is the mother of the detenu, namely, Sathya @ Thattu Sathya, aged 24 years, S/o Gunasekaran, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 26.07.2023 slapped on her son, branding him as 'Goonda' under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).



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2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel appearing for the petitioner submitted that the detention order is liable to be quashed on the sole ground that there is a delay of 3 days in disposal of the representation made on behalf of the detenu.

4. The statement produced before this Court shows that though the representation dated 26.08.2023 from the petitioner was received on 30.08.2023, the file was dealt with by the Under Secretary to Government and the Deputy Secretary to Government on 01.09.2023 and thereafter, the Minister has rejected the representation only on 07.09.2023, even though 31.08.2023, 04.09.2023 & 05.09.2023 were working days. The said unexplained delay of 3 days, as pointed out by the learned counsel for petitioner, vitiates the detention order.

5. In view of the aforesaid reason, the detention order passed by the



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2nd respondent dated 26.07.2023 in No.192/BCDFGISSSV/2023 is hereby

set aside and the habeas corpus petition is allowed. The detenu viz., Sathya

@ Thattu Sathya, S/o Gunasekaran, aged 24 years, is directed to be set at

liberty forthwith, unless he is required in connection with any other case.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

15.12.2023

SS

To

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009
2. The Commissioner of Police
Avadi City, Chennai
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5. The Public Prosecutor
High Court, Madras



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