



WEB COPY



H.C.P.No.2016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM :

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

H.C.P.No.2016 of 2023

Sethupathi
S/o Selvam

..

Petitioner

v.

1. State of Tamil Nadu rep. by the Secretary
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009

2. The Commissioner of Police
Salem City, Salem

3. The Superintendent of Police
Salem District, Salem

4. The Superintendent of Prison
Special Prison for Women
Coimbatore

5. The Inspector of Police
Ammamet Police Station
Salem District

..

Respondents



H.C.P.No.2016 of 2023

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the records relating to the detention order in C.M.P.No.81/I.T.O/Salem City/2023 dated 07.08.2023 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce petitioner's mother Radha, aged about 40 years, the detenue, now confined in Special Prison for Women, Coimbatore before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.P.Dasarathan

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 son of the detenue, namely, Radha, aged 40 years, W/o Selvam, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 07.08.2023 slapped on his mother, branding her as 'Immoral Traffic Offender' 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 an unexplained delay of 4 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 28.08.2023 from the petitioner was received on 30.08.2023, the file was dealt with by the Deputy Secretary to Government on 30.08.2023 and thereafter, the Minister has rejected the representation only on 07.09.2023, even though 31.08.2023, 01.09.2023, 04.09.2023 & 05.09.2023 were working days. The said unexplained delay of 4 days, as submitted by the learned counsel for petitioner, vitiates the detention order.

5. In view of the aforesaid reason, the detention order passed by the 2nd respondent dated 07.08.2023 in C.M.P.No.81/I.T.O/Salem City/2023 is



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hereby set aside and the habeas corpus petition is allowed. The detinue
viz., Radha, W/o Selvam, aged 40 years, is directed to be set at liberty
forthwith, unless she is required in connection with any other case.

Index : yes/no

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

(S.M.,J.)

Neutral citation : yes/no

19.12.2023

ss

To

1. The Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009
2. The Commissioner of Police
Salem City, Salem
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6. The Public Prosecutor
High Court, Madras



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