



H.C.P(MD)No.74 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.07.2023

CORAM :

THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

H.C.P(MD)No.74 of 2023

Gayathri

.. Petitioner

vs.

1.The 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 Collector and District Magistrate,
Thanjavur District, Thanjavur.

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

4.The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the records relating to the Detention Order passed by the second respondent in Detention Order in P.D.No.



163/2022 (TPDA No.7644) under Tamil Nadu Act 14/1982 as 'Goonda' and detained the detenu at Central Prison, Tiruchirappalli and to quash the same and direct the respondents to produce the body or person of the detenu, Vinothkumar, S/o.Ayyappan, aged about 26 years, now detained at Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.M.Karunanithi

For respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Vinothkumar, S/o.Ayyappan, aged about 26 years. The detenu has been detained by the second respondent by order in P.D.No.163/2022 dated 29.11.2022, 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 appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3. Among other grounds, the detention order is mainly attacked on the ground that there is a delay in passing the order of detention. The learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 05.10.2022, the detention order was passed only on 29.11.2022 i.e., after a considerable delay of nearly fifty five days. Therefore, the detention order has to be set aside.

4. Though no counter has been filed, the learned Additional Public Prosecutor strongly objected this petition.

5. As seen from the grounds of detention, it is clear that though the detenu was arrested on 05.10.2022, the order of detention came to be passed only on 29.11.2022 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.

6. We have gone through the entire materials placed on record. There is no satisfactory explanation offered by the Detaining Authority for the



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delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.163/2022 dated 29.11.2022, passed by the second respondent is set aside. The detenu, viz., Vinothkumar, S/o.Ayyappan, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R., J.)

(M.N.K., J.)

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NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking order

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To

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- 1.The Additional Chief Secretary to Government,
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- 3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
- 4.The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Joint Secretary,
Public (Law and Order) Department,
Fort St.George, Chennai.



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