



HCP(MD)No.208 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.208 of 2023

Ganeshpandi @ Pottakurangu

.. Petitioner /detenu

Vs.

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Home Prohibition and Excise Department,
Chennai-600 009.
- 2.The District Magistrate and District Collector
Virudhungan District,
Virudhungan.
- 3.The Inspector of Police,
Thiruthangan Police Station,
Virudhungan District.
- 4.The Superintendent,
Central Prison,
Madurai.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records pertaining to the order of detention passed by the respondent No.2 in his proceedings in Cr.M.P.No. 32/2022 (Goonda) dated 05.09.2022 and set aside the same and direct the respondents 1 to 3 to produce the detenu Ganeshpandi @ Pottakurangu, S/o.Arumugam, aged about 25 years, before this Court, now confined in Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu viz., Ganeshpandi @ Pottakurangu S/o.Arumugam, aged about 25 years. The detenu has been detained by the second respondent by his order in detention order in Cr.M.P.No.32/2022 dated 05.09.2022 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.



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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.

3. Among other grounds, the detention order is mainly attacked on the ground that there is a delay in passing the order of detention. Learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 30.07.2022, the detention order was passed only on 05.09.2022 i.e., after a considerable delay of more than 30 days. Therefore, the detention order has to be set aside.

4. As seen from the grounds of detention, it is clear that though the detenu was arrested on 30.07.2022, the order of detention came to be passed only on 05.09.2022 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.

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



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

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.32/2022 dated 05.09.2022 passed by the second respondent is set aside. The detenu, viz., Ganeshpandi @ Pottakurangu, S/o.Arumugam, aged about 25 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.)
10.07.2023

NCC : Yes/No
Internet : Yes
RM/RR



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To

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Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
M.NIRMAL KUMAR,J.

RM/RR

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