



HCP(MD)No.198 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2023

CORAM

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

H.C.P.(MD)No.198 of 20223

Vasuki

.. Petitioner /wife of the
detenu

Vs.

1.State of Tamil Nadu
rep. by the Principal Secretary to Government
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Collector and District Magistrate
O/o.The District Collector and District Magistrate
Mayiladuthurai District,
Mayiladuthurai

3.The Superintendent
Central Prison,
Tiruchirappalli District

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records in detention order passed in C.O.C.No.32/2022 dated 26.08.2022 on the file of the 2nd respondent



HCP(MD)No.198 of 2023

herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's husband namely Uppu Rajendran @ Rajendran, S/o.Maruthan, male aged 60 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Uppu Rajendran @ Rajendran, aged about 60 years, S/o.Maruthan. The detenu has been detained by the second respondent by his order in detention order in C.O.C.No.32/2022 dated 26.08.2022 holding him to be a "Bootlegger", as contemplated under Section 2(b) 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.



HCP(MD)No.198 of 2023

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 22.07.2022, the detention order was passed only on 26.08.2022 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 22.07.2022, the order of detention came to be passed only on 26.08.2022 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 the delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.



HCP(MD)No.198 of 2023

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.O.C.No.32/2022 dated 26.08.2022 passed by the second respondent is set aside. The detenu, viz., Uppu Rajendran @ Rajendran S/o.Maruthan, aged about 60 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.)
07.07.2023

NCC : Yes/No
Internet : Yes
RR

To

- 1.The Principal Secretary to Government
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate
O/o.The District Collector and District Magistrate
Mayiladuthurai District,
Mayiladuthurai
- 3.The Superintendent
Central Prison,
Tiruchirappalli District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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HCP(MD)No.198 of 2023

M.S.RAMESH, J.
and
M.NIRMAL KUMAR,J.

RR

H.C.P.(MD)No.198 of 2023

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