



HCP(MD)No.452 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.07.2023

CORAM

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

H.C.P.(MD)No.452 of 2023

Indira

.. Petitioner/Mother of the Detenu

Vs.

- 1.The State of Tamil Nadu,  
Rep. By its Additional Chief Secretary to Government,  
Home, Prohibition and Excise (XIV) Department,  
Fort St. George,  
Chennai - 600 009.
  - 2.The District Collector-cum-District Magistrate,  
Thanjavur District,  
Thanjavur.
  - 3.The Superintendent of Police,  
Thanjavur District,  
Thanjavur.
  - 4.The Superintendent of Central Prison,  
Tiruchirappalli.
  - 5.The Inspector of Police,  
All Women Police Station,  
Kumbakonam,  
Thanjavur District.
- .. Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records of the detention order of the second respondent in proceedings in P.D.No.105/2022, dated 14.08.2022, quash the same and consequently, direct the respondents to produce the detenu namely, Mannar @ Manoj, aged 20 years, S/o.Mani, before this Court, detained at Central Prison, Tiruchirappalli, and set him at liberty.

For Petitioner : Mr.B.Sudha Satyanand

For Respondents : Mr.A.Thiruvadikumar  
Additional Public Prosecutor

**ORDER**

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

The petitioner is the mother of the detenu viz., Mannar @ Manoj, S/o.Mani, aged about 20 years. The detenu has been detained by the second respondent by his order in P.D.No.105/2022, dated 14.08.2022, 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 28.05.2022, the detention order was passed only on 14.08.2022, i.e., after a considerable delay of 78 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 28.05.2022, the order of detention came to be passed only on 14.08.2022 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.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.105/2022, dated 14.08.2022, passed by the second



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respondent is set aside. The detenu, viz., Mannar @ Manoj, S/o.Mani, aged about 20 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.)  
06.07.2023

NCC : Yes / No  
Index : Yes / No  
Lm/smn2

To

- 1.The Additional Chief Secretary to Government of Tamil Nadu,  
Home, Prohibition and Excise (XIV) Department,  
Fort St. George,  
Chennai - 600 009.
- 2.The District Collector-cum-District Magistrate,  
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6. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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

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