



HCP(MD)No.511 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED: 08.09.2023

CORAM

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

**H.C.P.(MD)No.511 of 2023**

Sahaya Kala Thangarani @ Kala

.. Petitioner

Vs.

1.State of Tamil Nadu

Rep. by the Secretary to Government  
Home, Prohibition and Excise Department  
Secretariat, Chennai 600 009.

2.The District Collector and District Magistrate  
Kanyakumari District, Nagercoil.

3.The Superintendent of Prison,  
Central Prison, Palayamkottai  
Tirunelveli District.

.. Respondents

**PRAYER:** Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the entire records connected with the detention order passed in P.D.No.14 of 2023 dated 04.03.2023 on the file of the 2<sup>nd</sup> respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely, the petitioner's son ie., Subin, aged about 28 years S/o.Jeyachandran



HCP(MD)No.511 of 2023

now detained at the Central prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadikkumar  
Additional Public Prosecutor

### **ORDER**

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

The petitioner is the mother of the detenu viz., Subin, aged about 28 years S/o.Jeyachandran. The detenu has been detained by the second respondent by his order in P.D.No.14 of 2023 dated 04.03.2023 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.

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



*HCP(MD)No.511 of 2023*

counsel appearing for the petitioner strongly contended that though the detenu was arrested on 10.01.2023, the detention order was passed only on 04.03.2023 i.e., after a considerable delay of more than 50 days. Therefore, the detention order has to be set aside.

4. The learned Additional Public Prosecutor strongly objected this petition. He further submitted that on completion of investigation, charge sheet has been filed in S.C.No.182/2023 and the same is pending before the Additional District Judge, Kanyakumari.

5.As seen from the grounds of detention, it is clear that though the detenu was arrested on 10.01.2023, the order of detention came to be passed only on 04.03.2023 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 delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.



HCP(MD)No.511 of 2023

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.14 of 2023 dated 04.03.2023 passed by the second respondent is set aside. The detenu, viz., Subin S/o.Jeyachandran, aged about 28 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.)  
08.09.2023

NCC :Yes / No

Internet : Yes

**RR**

To

- 1.The Secretary to Government  
Home, Prohibition and Excise Department  
Secretariat, Chennai 600 009.
- 2.The Joint Secretary  
Public Law and Order  
Secretariat, Chennai.
- 3.The District Collector and District Magistrate  
Kanyakumari District, Nagercoil.
- 4.The Superintendent of Prison,  
Central Prison, Palayamkottai  
Tirunelveli District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



WEB COPY



*HCP(MD)No.511 of 2023*

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

**RR**

H.C.P.(MD)No.511 of 2023

08.09.2023