



HCP(MD)No.999 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2023

CORAM

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

H.C.P.(MD)No.999 of 2023

Veeramani

... Petitioner / Detenu

Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Virudhunagar District.

3.The Superintendent of Prison,
Madurai Central Prison, Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent in



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Cr.M.P.No.46/2022 (Goonda), dated 28.11.2022 and quash the same and direct the respondents to produce the body or detenu, namely, Veeramani, S/o.Ramaiah, aged about 27 years now detained at Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani

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., Veeramani, S/o.Ramaiah, aged about 27 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.46/2022 (Goonda), dated 28.11.2022, 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. Learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 18.10.2022, the detention order was passed only on 28.11.2022 i.e., after a considerable delay of nearly 40 days. Therefore, the detention order has to be set aside.

4. Though the learned Additional Public Prosecutor for the respondents has not filed any counter affidavit, he has strongly opposed to allow this Habeas Corpus Petition.

5. As seen from the grounds of detention, it is clear that though the detenu was arrested on 18.10.2022, the order of detention came to be passed only on 28.11.2022 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.



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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.

7.In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.46/2022 (Goonda), dated 28.11.2022 passed by the second respondent is set aside. The detenu, viz., Veeramani, S/o.Ramaiah, aged about 27 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.)

14.08.2023

NCC : Yes / No
Index : Yes / No

Yuva

To
1.The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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2.The Joint Secretary to Government,
Public Law and Order,
Fort St.George, Chennai-600 009.

3.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Virudhunagar District.

4.The Superintendent of Prison,
Madurai Central Prison, Madurai District.

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



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