



HCP(MD)No.1675 of 2022

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.1675 of 2022

Mariammal

.. Petitioner/Wife of the Detenu

Vs.

1.The State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and District Magistrate,
Dindigul District.

3.The Superintendent of Prison,
Madurai.

.. 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 second respondent in Detention Order No. 80/2022, dated 21.08.2022, quash the same and direct the respondents to produce the detenu namely, Dinesh, S/o.Selvaraj, aged about 28 years, now detained at Central Prison, Madurai, before this Court and set him at liberty.



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For Petitioner : Mr.D.Venkatesh

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.*, Dinesh, S/o.Selvaraj, aged about 28 years. The detenu has been detained by the second respondent by his order in Detention Order No.80/2022, dated 21.08.2022, 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.

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 at Page No.69 of the booklet, it is stated that the detenu was arrested on 09.07.2022,



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however, in the remand order at Page No.98 of the booklet, it is stated that the detenu was remanded on 07.07.2022 and the detention order was passed only on 21.08.2022, *i.e.*, after a considerable delay of 43 days. Without getting any clarification in this regard, the detention order came to be passed in a mechanical manner. 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 09.07.2022, the order of detention came to be passed only on 21.08.2022 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 Detention Order No.80/2022, dated 21.08.2022, passed by the second respondent is set aside. The detenu, *viz.*, Dinesh, S/o.Selvaraj,



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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.)
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 Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Dindigul District.
- 3.The Superintendent of Prison,
Madurai.
- 4.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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