



HCP(MD)No.1947 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2023

CORAM

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

H.C.P.(MD)No.1947 of 2022

Anish Begam

.. Petitioner/Daughter of the Detenu

Vs.

1.The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Fort St. George,  
Chennai - 600 009.

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

3.The Inspector of Police,  
All Women Police Station,  
Dindigul,  
Dindigul District.

4.The Superintendent of Prison,  
Central 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 pertaining to the order



HCP(MD)No.1947 of 2022

of detention passed by the second respondent in his proceedings in Detention Order No.111/2022, dated 29.10.2022, quash the same as illegal and produce the detenu namely, Mohamed Rafeek, aged about 59 years, S/o.Syed Ibrahim, now confined in Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.A.Thiruvadikumar  
Additional Public Prosecutor

### **ORDER**

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

The petitioner is the daughter of the detenu viz., Mohammed Rafeek, aged about 59 years, S/o.Syed Ibrahim. The detenu has been detained by the second respondent by his Detention Order No.111/2022, dated 29.10.2022, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) 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.1947 of 2022

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 14.09.2022, the detention order was passed only on 29.10.2022, *i.e.*, after a considerable delay of 45 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 14.09.2022, the order of detention came to be passed only on 29.10.2022 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.111/2022, dated 29.10.2022, passed by



HCP(MD)No.1947 of 2022

the second respondent is set aside. The detenu, viz., Mohammed Rafeek, aged about 59 years, S/o.Syed Ibrahim, 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.)  
18.07.2023

NCC : Yes / No  
Index : Yes / No  
smn2/yuva

To

- 1.The Additional Chief Secretary to Government,  
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*HCP(MD)No.1947 of 2022*

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

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*HCP(MD)No.1947 of 2022*

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

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H.C.P.(MD)No.1947 of 2022

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