



HCP(MD)No.2001 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

CORAM

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

H.C.P.(MD)No.2001 of 2022

Saravanan

.. Petitioner /brother
of the detenu

Vs.

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

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

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

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in Detention Order No.100/2022 dated 12.10.2022 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash



HCP(MD)No.2001 of 2022

the same and direct the respondents to produce the detenu namely Chandraprakash, S/o.Periyasamy, male aged about 23 years, who is detained in Central Prison Madurai before this Court and set him at liberty.

For Petitioner : Mr.A.Sivasubramanian

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the brother of the detenu viz., Chandraprakash, aged about 23 years, S/o.Periyasamy. The detenu has been detained by the second respondent by his order in detention order in Detention Order No.100/2022 dated 12.10.2022 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.



HCP(MD)No.2001 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. Learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 22.08.2022, the detention order was passed only on 12.10.2022 i.e., after a considerable delay of more than 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 22.08.2022, the order of detention came to be passed only on 12.10.2022 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.100/2022 dated 12.10.2022 passed by



HCP(MD)No.2001 of 2022

the second respondent is set aside. The detenu, viz., Chandraprakash S/o.Periyasamy, aged about 23 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.)
14.07.2023

NCC : Yes/No
Internet : Yes
RR

To

- 1.The Additional Chief Secretary to Government
Home Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
- 2.The District Magistrate and District Collector
Dindigul District, Dindigul.
- 3.The Superintendent of Prison,
Central Prison, Madurai,
Madurai District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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HCP(MD)No.2001 of 2022

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

RR

H.C.P.(MD)No.2001 of 2022

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