



HCP(MD)No.2117 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.07.2023

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

H.C.P.(MD)No.2117 of 2022

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.. Petitioner / Brother of the Detenu

Vs.

- 1.The State of Tamil Nadu,
Rep. by its., The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Ramanathapuram District,
Ramanathapuram.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.
- 4.The Forest Range Officer,
Keelakkarai Wild Life Range,,
Keelakkarai,
Ramanathapuram District.

.. Respondents



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PRAAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records in connection with the detention order passed against the detenu in S.R.No.23/F.O./2022, dated 02.12.2022 by the 2nd respondent and quash the same as illegal and direct the respondents to produce the body or person of the petitioner's brother namely, Jahir Hussain, S/o.Mohamed Meerasa, aged about 52 years, now confined at Central Prison, Madurai before the Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.M.Seenisulthan

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., Jahir Hussain, S/o.Mohamed Meerasa, aged about 52 years. The detenu has been detained by the second respondent by his order in S.R.No.23/F.O./2022, dated 02.12.2022, 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.



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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 though the detenu was arrested on 29.10.2022, the detention order was passed only on 02.12.2022 i.e., after a considerable delay of nearly two months. 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 29.10.2022, the order of detention came to be passed only on 02.12.2022 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



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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 S.R.No.23/F.O./2022, dated 02.12.2022, passed by the second respondent is set aside. The detenu, namely, Jahir Hussain, S/o.Mohamed Meerasa, aged about 52 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.)
24.07.2023

NCC : Yes / No
Index : Yes / No

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