



H.C.P(MD)No.2135 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.07.2023

CORAM :

THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

H.C.P(MD)No.2135 of 2022

Vijayashanthi

.. Petitioner

vs.

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

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

3.The Superintendent of Prison,
Special Prison for Women,
Madurai District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the entire records connected with the detention order of the second respondent in No.121/2022 dated 13.12.2022 and quash the same and direct the respondents to produce the body or person of the detenue by name Vijayashanthi, W/o.Naveenkumar,



aged about 25 years, now detained as Goonda at Special Prison for Women, Madurai District before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani

For respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

The petitioner is the detenue viz., Vijayashanthi, W/o.Naveenkumar, aged about 25 years. The detenue has been detained by the second respondent by order in No.121/2022 dated 13.12.2022, 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.

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 detenue was arrested on 20.10.2022, the detention order was passed only on 13.12.2022 i.e., after a considerable delay of more than fifty days. Therefore, the detention order has to be set aside.

4. The learned Additional Public Prosecutor would submit that on completion of investigation, charge sheet has been filed in S.C.No.8 of 2023 and is pending before the learned PCR Court, Dindigul.

5. As seen from the grounds of detention, it is clear that though the detenue was arrested on 20.10.2022, the order of detention came to be passed only on 13.12.2022 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenue.

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.



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7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.121/2022 dated 13.12.2022, passed by the second respondent is set aside. The detenue, viz., Vijayashanthi, W/o.Naveenkumar, aged about 25 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.)

25.07.2023

NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking order

mbi/Lm



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- 3.The Superintendent of Prison,
Special Prison for Women,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Joint Secretary,
Public (Law and Order) Department,
Fort St.George, Chennai.



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

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