



WEB COPY



H.C.P.No.2363 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2363 of 2023

Gomathi

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.Commissioner of Police,
Avadi City.

3.The Superintendent,
Central Prison,
Puzhal, Chennai.

4.State rep. by:-
The Inspector of Police,
E5, Sholavaram Police Station,
Chennai.

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by



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the 2nd respondent dated 20.09.2023 in No.206/BCDFGISSSV/2023 against the petitioner's son Yuvaneswaran @ Chottu, aged 22 years, S/o.Valliyappan, who is confined at Central Prison, Puzhal, Chennai and set aside the same and consequently direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr.D. Sudharsanam
For Respondents : Mr.E. Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C. Aravind

ORDER

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

The petitioner, who is the mother of the detenu Yuvaneswaran @ Chottu, aged 22 years, S/o.Valliyappan, has come forward with this petition challenging the detention order passed by the second respondent dated 20.09.2023 slapped on her son, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].



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2. Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor appearing for the respondents.

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 27.07.2023, the detention order was passed only on 20.09.2023, i.e., after a delay of more than 48 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 27.07.2023, the order of detention came to be passed only on 20.09.2023 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.



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WEB COPY 6. Accordingly, the detention order passed by the second respondent in No.206/BCDFGISSSV/2023, dated 20.09.2023, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Yuvaneswaran @ Chottu, S/o.Valliyappan, aged 22 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[M.S.R., J] [S.M., J]

24.01.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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5.The Public Prosecutor,
High Court, Madras.



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