



H.C.P(MD)No.649 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Ms.JUSTICE R.POORNIMA**

H.C.P.(MD) No.649 of 2024

Manikandan

... Petitioner

Vs

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

2. The Commissioner of Police,
Office of the Commissioner, Trichy.

3. The Superintendent of Prison,
Trichirappalli Central Prison,
Tiruchirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records relating to the detention order of the respondent No.2 in C.No. 32/Detention/C.P.O/T.C/2024, dated 13.04.2024 and quash the same and direct the respondents to produce the body or person of the detenu Manikandan, S/o.Ravi, aged about 26 years, now detained as Goonda at Trichy Central Prison and set him at liberty forthwith.



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For Petitioner : Dr.A.Alagumani

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor.

ORDER

The petitioner is the detenu viz., Manikandan, S/o.Ravi, aged about 26 years. The detenu has been detained by the second respondent by his order in Detention Order in C.No. 32/Detention/C.P.O/T.C/2024, dated 13.04.2024 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.



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3. Though several grounds have been raised in the habeas corpus petition, learned counsel for the petitioner focused mainly on the ground that though the petitioner had sent a representation to the Advisory Board / first respondent through the third respondent, Superintendent of Prison, Trichirappalli Central Prison, Trichy on 29.05.2024 for consideration, it has not been considered by the first respondent, till now.

4. Learned Additional Public Prosecutor, on instructions, submitted that the representation given by the petitioner was not considered by the respondents, since the representation given by the petitioner to the Advisory Board for consideration had been sent by the third respondent/Superintendent of Prisons, Central Prison, Trichy by ordinary post and the same had not been received by the first respondent. Hence, the representation of the petitioner was not at all considered by the Advisory Board / first respondent at all.

5. As per the submission of the learned counsel for the petitioner and on perusal of the proforma submitted by the learned



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Additional Public Prosecutor, we find that the representation of the petitioner, dated 29.05.2024, had not been received by the Advisory Board, since the same was sent by the third respondent through ordinary post and as such there has been total failure in considering the representation submitted by the petitioner.

6. It is trite law that the representation should be very expeditiously considered and disposed of with a sense of urgency and without avoidable delay. However, in the instant case, the representation of the petitioner, dated 29.05.2024 was not yet received by the Advisory Board for consideration. Therefore, we have to hold that the said fact has vitiated further detention of the detenu.

7. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of delay on the part of the Government in disposing of the representation of the petitioner.

8. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order in C.No. 32/Detention/C.P.O/T.C/2024, dated 13.04.2024, passed by the second



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respondent is set aside. The detenu, viz., Manikandan, S/o.Ravi, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(C.V.K., J.) (R.P, J.)
28.10.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

PNM

To

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

2. The Commissioner of Police,
Office of the Commissioner, Trichy.

3. The Superintendent of Prison,
Trichirappalli Central Prison,
Tiruchirappalli.

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



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C.V.KARTHIKEYAN, J.
and
R.POORNIMA, J.

PNM

ORDER MADE IN
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28.10.2024