



H.C.P(MD)No.683 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD) No.683 of 2024

Esakkipandi Meena

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.
- 2.The District Magistrate and District Collector,
Tenkasi District,
Tenkasi.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the records relating to the Detention Order passed by the second respondent in Detention Order M.H.s.Confdl.No.23/2024, dated 10.04.2024 and to quash the same and direct the respondents to produce the body or person of the detainee, Manikandan S/o.Kottaisamy aged about 25 years before this Court and set him at liberty now detained at Central Prison, Palayamkottai, Tirunelveli.

For Petitioner : Mr.V.M.Jegadeeshapandian

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

Heard both sides.

2. The petitioner's husband was detained as goonda vide detention order dated 10.04.2024. Questioning the same, this habeas corpus petition was filed.

3. The learned counsel for the petitioner submitted that the representation was submitted on 14.05.2024. It was rejected on 23.05.2024. However, the rejection letter was served on the detainee only on 31.05.2024. The learned counsel for the petitioner states that there is



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no sufficient explanation for the delay in effecting service of the rejection order. He relies on the order dated 22.08.2007 made in H.C.P.No.587 of 2007 (Sumaiya Vs. The Secretary to Government) in support of his contention that delay in serving the rejection order vitiate continuance of the detention.

4. We are satisfied that the aforesaid case squarely applies to the case on hand. The continuance of the detention becomes illegal. The detainee shall be set at liberty forthwith unless his detention is required in any other case. The Habeas Corpus Petition is allowed.

(G.R.S., J.) (R.P., J.)
11.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

rmi

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.
- 2.The District Magistrate and District Collector,
Tenkasi District,
Tenkasi.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P.(MD) No.683 of 2024

11.11.2024