



H.C.P.(MD)No.723 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM

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

H.C.P.(MD)No.723 of 2024

N.Chidambaram

... Petitioner / Mother of the Detenu

Vs.

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

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 entire
records connected with the detention order passed in M.H.S.Confdl No.



H.C.P.(MD)No.723 of 2024

84/2024 dated 17.05.2024 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son ie., Saravanan aged about 19 years, S/o.Chidambaram, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2. The petitioner's son Saravanan was branded as “Goonda” and was detained by the second respondent vide order dated 17.05.2024. Representation dated 18.06.2024 was submitted seeking revocation of the detention order.

3. The Under Secretary dealt with the file on 27.06.2024. However, the Deputy Secretary dealt with the file on 05.07.2024. We notice that there is an unexplained delay of five days in considering the



H.C.P.(MD)No.723 of 2024

WEB COPY

representation. The delay of five days in considering the representation is fatal to the continuance of the detention.

4.In this view of the matter, we hold that the detenue's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

5.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
26.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

Note:Issue Order Copy on 28.11.2024.



WEB COPY



H.C.P.(MD)No.723 of 2024

To:-

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.723 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

rmi

H.C.P.(MD)No.723 of 2024

26.11.2024