



H.C.P.(MD)No.732 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM

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

H.C.P.(MD)No.732 of 2024

Aamina Beevi

... Petitioner / Mother of Detenu

Vs.

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

2.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

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

... 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 records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in C.No.53/Detention/C.P.O/T.C/2024 dated 08.06.2024 in detaining the detenu under section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the



H.C.P.(MD)No.732 of 2024

respondents to produce the detenu namely, Mohamed Mubarak @ Thakkali, S/o.Mohamed Yahoop, Male, aged about 32 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.T.Senthilkumar,
Addl. Public Prosecutor.

ORDER

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

The petitioner's son was detained as “Goonda” vide order dated 08.06.2024 by the second respondent. Representation dated 20.06.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 27.06.2024. The Deputy Secretary dealt with the file on 05.07.2024. There is an unexplained delay of five days in dealing with the representation. We are satisfied that the detenu's right guaranteed under Article 22 of the Constitution of India has been infringed. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.



H.C.P.(MD)No.732 of 2024

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

3.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 10.12.2024.

To:-

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

2.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

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

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

3/4



WEB COPY



H.C.P.(MD)No.732 of 2024

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

ias

H.C.P.(MD)No.732 of 2024

09.12.2024