



WEB COPY



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H.C.P.(MD)NO.748 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.748 of 2024

Beeskutty Muniyasamy @ Muniyasamy

... Petitioner/ Detenu

Vs.

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The District Collector and District Magistrate,
O/o.the District Collector and District Magistrate,
Ramanathapuram District.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... Respondents

Prayer: Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the second respondent in S.R.No.12/Goonda/2024 dated 28.05.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Beeskutty Muniyasamy @ Muniyasamy, S/o.Durairaj, aged about 40 years now detained as Goonda at Madurai Central Prison before this Court and set him at liberty forthwith.



For Petitioner : Dr.R.Alagumani
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 was detained as Goonda vide order dated 28.05.2024. Representation dated 16.06.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 29.06.2024 and the Deputy Secretary dealt with the file on 10.07.2024. We notice that there is an unexplained delay of seven days in considering the representation. The delay of seven days in considering the representation is fatal to the continuance of the detention.

3.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.



4.This habeas corpus petition is allowed accordingly.

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(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
2nd December 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The District Collector and District Magistrate,
O/o.the District Collector and District Magistrate,
Ramanathapuram District.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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