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H.C.P.(MD)NO.769 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.769 of 2024

Amirthavalli

... Petitioner / Mother of the detenu

Vs.

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
 2. The District Collector and District Magistrate,
Theni District,
Theni.
 3. The Superintendent of Prison,
Central Prison,
Madurai.
- ... 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 records pertaining to the impugned detention order passed by the second respondent made in his proceedings in detention order No.26/2024 dated 28.05.2024 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as Goonda and quash the same and direct the respondents to produce the detenu namely Muthupandi, S/o.Ramachandran, male, aged about 22 years, who is detained in Central Prison, Madurai before this Court and set him at liberty.



For Petitioner : Mr.S.Ramesh Kumar
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 was detained as Goonda vide order dated 28.05.2024. Representation dated 24.06.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 28.06.2024 and the Deputy Secretary dealt with the file on 05.07.2024. We notice that there is an unexplained delay of four days in considering the representation. The delay of four 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.

WEB COPY

(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,
Theni District,
Theni.
3. The Superintendent of Prison,
Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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