



H.C.P.(MD)No.770 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2024

CORAM

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

H.C.P.(MD)No.770 of 2024

Babin Stella

... Petitioner / Mother of the Detenu

Vs.

1.The Secretary to Government,
Home (Prohibition and Excise) Department,
Secretariat,
Chennai-600009.

2.The District Collector and District Magistrate,
Kanniyakumari District at Nagercoil.

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

... 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 of the respondent No.2, P.D.No.28/2024 dated 05.06.2024 and quash the same and direct the respondents to produce the detenu by name Sahaya Sajin @ Sanoj, son of



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Ponraj aged about 21 years now detained in Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Vinoth Bharathi

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 05.06.2024 by the second respondent. Representation dated 24.06.2024 was submitted seeking revocation of the detention order.

3. The Deputy Secretary dealt with the file on 28.06.2024. 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.



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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.,)
06.12.2024

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

Note:Issue Order Copy on 09.12.2024.

To:-

- 1.The Secretary to Government,
Home (Prohibition and Excise) Department,
Secretariat,
Chennai-600009.
- 2.The District Collector and District Magistrate,
Kanniyakumari District at Nagercoil.
- 3.The Superintendent of Prison,
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R.POORNIMA, J.

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

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