



H.C.P.(MD)No.790 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

CORAM

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

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Arunkumar

... Petitioner / Detenu

Vs.

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thoothukudi District, Thoothukudi.
- 3.The Superintendent of Police,
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, calling for the entire records connected with the detention of the second respondent in H.S.(MD).Confdl.No.49/2024 dated 02.05.2024 and quash the same and direct the respondents to produce the body or person of the detenu by



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name Arunkumar, S/o.Subbiah, aged about 24 years, now detained as “Goonda” at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alalgumani

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

ORDER

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

Heard both sides.

2.The petitioner was detained as “Goonda” by the District Magistrate and District Collector, Thoothukudi vide detention order dated 02.05.2024. The petitioner has submitted his representation on 12.06.2024.

3.The Under Secretary dealt with the file on 20.06.2024. However, the Deputy Secretary dealt with the file on 27.06.2024. There is a delay of seven days. The learned Additional Public Prosecutor would state that out of the seven days, two days happened to be holidays.



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But the delay of the remaining five days remains unexplained. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.

4.In this view of the matter, we hold that the petitioner'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.)
19.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 20.11.2024.

To:-

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thoothukudi District, Thoothukudi.

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

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



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R.POORNIMA, J.

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