



H.C.P.(MD)No.806 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.11.2024

CORAM

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

H.C.P.(MD)No.806 of 2024

Esakkiammal

... Petitioner / Sister of the Detenu

Vs.

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City.

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 No.22/BCDFGISSSV/2024 dated 03.05.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Murugesh, S/o.Karuppasamy @ Raj, aged about 19 years, now



H.C.P.(MD)No.806 of 2024

detained at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Vinoth Bharathi

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's brother was detained as “Goonda” vide detention order dated 03.05.2024. Representation was submitted on 01.07.2024. It was dealt with by the Under Secretary on 05.07.2024. The Deputy Secretary dealt with the same on 12.07.2024. There is delay of seven days. Out of this period, two days happened to be holidays. The delay of 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.



H.C.P.(MD)No.806 of 2024

3.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.

4.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
ias

Issue order copy on 20.11.2024.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Chennai – 600 009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City.
- 3.The Superintendent of Police,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3/4



WEB COPY



H.C.P.(MD)No.806 of 2024

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

ias

H.C.P.(MD)No.806 of 2024

19.11.2024