



H.C.P.(MD)No.850 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM

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

H.C.P.(MD)No.850 of 2024

Raja

... Petitioner / Detenu

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Superintendent of Prison,
Peravurani Central Prison,
Thoothukudi District.

... Respondents



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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 second respondent passed in H.S.(M)Confdl.No.69/2024, dated 29.05.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Raja son of Jeyaraj, aged about 38 years now detained as “GOONDA” at Thoothukudi Perurani District Jail before this Court and set him at liberty forthwith.

For Petitioner : Mr.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 29.05.2024 passed by the second respondent. The detenu submitted representation dated 27.06.2024 for revocation of the detention order.

3. The ASO dealt with the file on 09.07.2024. However, the Deputy Secretary dealt with the file on 16.07.2024. We notice that four



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days delay in considering the representation has not been properly explained. This affects the continued detention of the petitioner.

4.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.

5.This habeas corpus petition is allowed accordingly.

(G.R.S. J.,) & (R.P. J.,)
03.12.2024

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

Note:Issue Order Copy on 04.12.2024.

To:-

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Thoothukudi District,
Thoothukudi.

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- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Superintendent of Prison,
Peravurani Central Prison,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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