



H.C.P.(MD)No.827 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2024

CORAM

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

H.C.P.(MD)No.827 of 2024

Sathiya Muhesh @ Sathish

... Petitioner / Detenu

Vs.

1.The Additional Chief Secretary to Government,
Home,Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

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

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, calling for the entire records connected with the detention order of the second in H.S.(M).Confdl No.73/2024 dated 05.06.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Sathiya Muhesh@Sathish S/o.Vijayaraj age 24yrs now detained as



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“Goonda” at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr..T.Senthilkumar,
Additional Public Prosecutor.

ORDER

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

The petitioner was detained as “Goonda” vide order dated 05.06.2024 by the second respondent. Representation dated 01.07.2024 was submitted for revocation of the detention order. The file was submitted on 11.07.2024. The Deputy Secretary dealt with the file only on 22.07.2024. There is an unexplained delay of five days in dealing with the representation. We are satisfied that the detenu's right guaranteed under Article 22 of the Constitution of India has been infringed. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.

2.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.



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3.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
13.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 16.12.2024.

To:-

- 1.The Additional Chief Secretary to Government,
Home,Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Magistrate and District Collector,
Thoothukudi District, Thoothukudi.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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