



H.C.P.(MD)No.841 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.841 of 2024

Dharanya

... Petitioner / Wife of the Detenu

Vs.

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
 - 2.The District Magistrate and District Collector,
O/o. District Collector,
Velunachiar Valagam,
Dindigul District – 624 005.
 - 3.The Superintendent of Police,
Central Prison, Madurai.
- ... 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 pertaining to the detention order dated 03.05.2024 passed by the second respondent in in Detention Order No.37/2024 and quash the same as illegal and further direct the respondents herein to produce the body or person of the detenu namely, Suriyavarma, S/o.Mohandass, aged about



H.C.P.(MD)No.841 of 2024

32 years, now detained at Central Prison, Madurai before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Senthil Murugan

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 husband was detained as “Goonda” by the detention order dated 03.05.2024. He involved in chain snatching cases. The petitioner submitted her representation, which was received on 10.07.2024. The Under Secretary dealt with the file on 15.07.2024. The Deputy Secretary dealt with the file on 22.07.2024. During the intervening period, three days were holidays. However, the delay of remaining four 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.841 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,
Secretariat, Chennai – 600 009.
- 2.The District Magistrate and District Collector,
O/o. District Collector,
Velunachiar Valagam,
Dindigul District – 624 005.
- 3.The Superintendent of Police,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.841 of 2024

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

ias

H.C.P.(MD)No.841 of 2024

19.11.2024