



H.C.P.(MD)No.845 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM

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

H.C.P.(MD)No.845 of 2024

Marimuthu @ Kadapparai

... Petitioner / Detenu

Vs.

1.The Principal Secretary to The Government,
State of Tamil Nadu,
Home Prohibition and Excise Department,
Fort St George, Chennai – 600 009.

2.The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai City, Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai 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 Respondent No.2 in No.23/BCDFGISSSV/2024 dated 06.06.2024 and quash the same and direct the respondents to produce by name Marimuthu @ Kadapparai,



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S/o.Subramani aged about 45 years now detained as “Gonnda” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

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

ORDER

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

The petitioner was detained as “Goonda” vide order 06.06.2024 by the second respondent. Representation dated 02.07.2024 was submitted for revocation of the detention order. The file was submitted by ASO on 18.07.2024. The Deputy Secretary dealt with the file on 26.07.2024. 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.)
09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 10.12.2024.

To:-

- 1.The Principal Secretary to The Government,
State of Tamil Nadu,
Home Prohibition and Excise Department,
Fort St George, Chennai – 600 009.
- 2.The Commissioner of Police,
O/o. the Commissioner of Police,
Madurai City, Madurai.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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