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H.C.P.(MD)NO.873 OF 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.12.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MS.JUSTICE R. POORNIMA**

**H.C.P.(MD)No.873 of 2024**

Ramasamy @ Kathiresan

... Petitioner/ Detenu

Vs.

1. The State of Tamil Nadu rep. by,  
The Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai – 600 009.
2. The District Collector and District Magistrate,  
O/o.the District Collector,  
Dindigul District.
3. The Superintendent of Prison,  
Central Prison,  
Madurai.
4. The Inspector of Police,  
Palani Town police station,  
Dindigul District.  
(Crime No.289 of 2024)

... Respondents

**Prayer:** Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent in Detention order in Detention order No.55/2024, dated 12.06.2024 and to quash the same and direct the Respondents to produce the body or person



of the detenu Jeyabalan (aged 40) S/o.Kathiresan, before this Court and set him at liberty, now detained at Central Prison, Madurai District.

For Petitioner : Mr.S.Ayyanar Prem Kumar  
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's son was detained as Goonda vide order dated 12.06.2024. Representation dated 12.07.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 18.07.2024. However, the Deputy Secretary dealt with the file on 26.07.2024. We notice that there is an unexplained delay of five days in considering the representation. The delay of five days in considering the representation is fatal to the continuance of the detention.

3.In this view of the matter, we hold that the detenue's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.



WEB COPY 4.This habeas corpus petition is allowed accordingly.

**(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)**  
**10<sup>th</sup> December 2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

**Note : Issue order copy on 11.12.2024.**

**To:**

1. The Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai – 600 009.
2. The District Collector and District Magistrate,  
O/o.the District Collector,  
Dindigul District.
3. The Superintendent of Prison,  
Central Prison,  
Madurai.
4. The Inspector of Police,  
Palani Town police station,  
Dindigul 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.**

PMU

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**10.12.2024**