



H.C.P.(MD)No.868 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM

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

H.C.P.(MD)No.868 of 2024

Sahaya Micheal Raja

... Petitioner / Detenu

Vs.

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

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

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Palayamkottai District.

... Respondents

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 respondent No.2 in M.H.S.Confdl No.102/2024 dated 09.06.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Sahaya Michael Raja S/o.ALangaram, aged about 36 years



H.C.P.(MD)No.868 of 2024

detained as “Goonda” at Palayamkottai Central Prison before this Court and set him a 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 09.06.2024 by the second respondent. Representation dated 10.07.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 23.07.2024. The Deputy Secretary dealt with the file on 30.07.2024. There is an unexplained delay of four 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.



H.C.P.(MD)No.868 of 2024

WEB COPY

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



WEB COPY



H.C.P.(MD)No.868 of 2024

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

ias

H.C.P.(MD)No.868 of 2024

09.12.2024