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H.C.P.(MD)NO.866 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.866 of 2024

Kumar Prabha

... 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,
O/o.the District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

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

... 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 entire records connected with the detention order of the second respondent in M.H.S.Confdl No.101/2024 dated 09.06.2024 and quash the same and direct the Respondents to produce the body or person of the detenu by name Kumar Prabha, S/o.Antony Kitheriyan aged about 28 years, detained as Goonda at Palayamkottai Central Prison before this Court and set him at liberty forthwith.



For Petitioner : Dr.R.Alagumani
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 was detained as Goonda vide order dated 09.06.2024. Representation dated 10.07.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 22.07.2024. However, the Deputy Secretary dealt with the file on 26.07.2024. We notice that there is an unexplained delay of three days in considering the representation. The delay of three 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.



4.This habeas corpus petition is allowed accordingly.

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(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
10th December 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

Note : Issue order copy on 11.12.2024.

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,
O/o.the District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
3. The Superintendent of Prison,
Palayamkottai Central Prison,
Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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