



H.C.P.(MD)No.870 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**

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Nandhini

... Petitioner / Wife of the Detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St George,
Chennai - 600 009.

2.The Commissioner of Police,
Tiruchirappalli City.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

... 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 records in pursuant to the proceedings of the second respondent in detention order in C.No.52/Detention/C.P.O./TC/2024 dated 07.06.2024 and quash the same and consequently, direct the respondents to produce the detenu, Muthuraman, S/o.Ramachandran (TPDA 8316) aged 47 years now



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confining at Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.P.Sivachandran

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 “Drug Offender” vide order 07.06.2024 by the second respondent. Representation dated 21.06.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 27.06.2024. The Deputy Secretary dealt with the file on 05.07.2024. 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 Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Tiruchirappalli City.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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