



H.C.P.(MD)No.874 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM

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

H.C.P.(MD)No.874 of 2024

N.Abinaya

... Petitioner / Wife of the Detenu

Vs.

**1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.**

**2.The District Collector and District Magistrate,
Kanniyakumari District,
Nagercoil.**

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

**4.The Additional Superintendent of Prison,
District Jail,
Nagercoil,
Kanniyakumari District.**

... Respondents



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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 passed in P.D.No.25 of 2024, dated 18.05.2024 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's husband ie., Thillai Nambi aged about 26 years, S/o.Murugan, now detained at the District Jail, Nagercoil before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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 husband was detained as “Goonda” vide order dated 18.05.2024. Representation dated 22.06.2024 was submitted seeking revocation of the detention order.

3. The Deputy Secretary dealt with the file on 05.07.2024. However, the Hon'ble Minister dealt with the file on 11.07.2024. We notice that there is an unexplained delay of three days in considering the



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representation. The delay of three days in considering the representation is fatal to the continuance of the detention.

4.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.

5.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
26.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

Note:Issue Order Copy on 28.11.2024.

To:-

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Kanniyakumari District,
Nagercoil.



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3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
4. The Additional Superintendent of Prison,
District Jail,
Nagercoil,
Kanniyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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