



H.C.P.(MD)No.948 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM

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

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Santhanapandi

... Petitioner / Detenu

Vs.

- 1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Thoothukudi District, Thoothukudi.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Superintendent of Prison,
Peravurani District Prison,
Thoothukudi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus, calling for the entire



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records, connected with the detention order of the Respondent No.2 in H.S(M) Confdl.No.70/2024 dated 29.05.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Santhanapandi, S/o.Balasubramani, aged about 21years, now detained as “Goonda” at Peravurani District Prison, Thoothukudi before this Court and set him liberty forthwith.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.T.Senthil Kumar
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

The petitioner was detained as Goonda vide order dated 29.05.2024 passed by the second respondent. The representation dated 22.07.2024 was submitted seeking revocation of the detention order.

2. The Under Secretary dealt with the file on 29.07.2024. However, the Deputy Secretary dealt with the file on 05.08.2024. We notice that there is an unexplained delay of four days in considering the representation.



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3. 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.

4. This habeas corpus petition is allowed accordingly.

(G.R.S. J.,) & (R.P. J.,)
03.12.2024

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

Issue order copy on 04.12.2024.

To:-

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Thoothukudi District, Thoothukudi.
3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

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4.The Superintendent of Prison,
Peravurani District Prison,
Thoothukudi 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.

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