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H.C.P.(MD)NO.921 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.921 of 2024

Thivakaran

... Petitioner/ Detenu

Vs.

1. The Secretary to Government,
State of Tamil Nadu,
Home (Prohibition & Excise) Department,
Fort, St.George,
Chennai – 600 009.

2. The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Kanyakumari at Nagercoil.

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

... 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 P.D.No.27 of 2024 dated 24.05.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Thivakaran, S/o.Baskaran, aged about 28 years, now 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 24.05.2024. Representation dated 19.07.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 26.07.2024 and the Deputy Secretary dealt with the file on 05.08.2024. We notice that there is an unexplained delay of five days in considering the representation. The delay of five 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.

WEB COPY

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
2nd December 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Secretary to Government,
State of Tamil Nadu,
Home (Prohibition & Excise) Department,
Fort, St.George,
Chennai – 600 009.
2. The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Kanyakumari at Nagercoil.
3. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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