



H.C.P.(MD)No.939 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.11.2024

CORAM

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

H.C.P.(MD)No.939 of 2024

Senthilkumar

... Petitioner / Brother of the Detenue

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Home, Prohibition and Excise (XIV) Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Sivagangai District, Sivagangai.
- 3.The Superintendent of Police,
Special Prison for Women,
Madurai District, Madurai.

... 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 records pertaining to the impugned proceedings of the 2nd respondent made in Cr.M.P.No.9/BL/2024 dated 21.05.2024 and subsequently quash the same as devoid of merits, illegal and consequently direct the respondents to produce the detenue by name Mangalam, W/o.Ramasamy,



H.C.P.(MD)No.939 of 2024

aged about 46 years, originally residing at Piranmalai, Singampunari, Sivagangai District and now detained at Special Prison for Women, Madurai District and set her at liberty forthwith.

For Petitioner : Mr.T.Jeen Joseph

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

ORDER

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

The brother of the detenue is the petitioner before us. The detenue was detained as “Bootlegger” by the District Magistrate and District Collector, Sivagangai District vide detention order dated 21.05.2024. The detenue submitted her representation which was received on 31.05.2024. It was dealt with by the Deputy Secretary on 14.06.2024. The Hon'ble Minister dealt with the file on 22.06.2024. During the intervening period, three days were declared as holidays. The delay of remaining four days remains unexplained. It is well settled that delay in considering the representation of the detenue is fatal to the continuance of the detention.



H.C.P.(MD)No.939 of 2024

2.In this view of the matter, we hold that the detenue's continued detention is illegal. She shall be set at liberty forthwith unless her detention is otherwise warranted by law.

3.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
19.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 20.11.2024.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise (XIV) Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Sivagangai District, Sivagangai.
- 3.The Superintendent of Police,
Special Prison for Women,
Madurai District, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3/4



WEB COPY



H.C.P.(MD)No.939 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

ias

H.C.P.(MD)No.939 of 2024

19.11.2024