



H.C.P.(MD)No.997 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 19.11.2024**

**CORAM**

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

**H.C.P.(MD)No.997 of 2024**

Durga Devi

... Petitioner / Wife of the Detenu

**Vs.**

- 1.The Principal Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai – 600 009.
  - 2.The District Magistrate and District Collector,  
O/o. The District Magistrate and District Collector,  
Dindigul District, Dindigul.
  - 3.The Superintendent of Police,  
Madurai Central Prison,  
Madurai 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 records connected with detention order of the second respondent in Detention Order No.37/2024 dated 03.05.2024 and quash the same and direct the respondents to produce the body or person of the detenu by



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name Mani @ Manisekar, S/o.Velu, aged about 41 years, now detained as “Goonda” at Madurai Central Prison before this Court and set him at 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 wife of the detenu is the petitioner herein. The detenu was detained as “Goonda” vide detention order dated 03.05.2024 by the District Magistrate and District Collector, Dindigul District. The representation dated 06.08.2024 was dealt with by the Under Secretary on 12.08.2024. The Deputy Secretary however dealt with the same only on 22.08.2024. During the intervening period, three days were holidays. The delay of remaining seven days remains unexplained. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.



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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.

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  
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***Issue order copy on 20.11.2024.***

To:-

- 1.The Principal Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai – 600 009.
- 2.The District Magistrate and District Collector,  
O/o. The District Magistrate and District Collector,  
Dindigul District, Dindigul.
- 3.The Superintendent of Police,  
Madurai Central Prison,  
Madurai District.
- 4.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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