



H.C.P.(MD)No.999 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.12.2024

CORAM

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

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Marisamy

... Petitioner / Detenu

Vs.

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Tenkasi District, Tenkasi.
- 3.The Superintendent of Prison,
District Jail,
Perurani,
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
records connected with the detention order passed by the 2nd respondent



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vide his order in M.H.S.Confdl No.31/2024 dated 28.05.2024 and quash the same, consequently directing the respondents to produce the body or person of the detenu by name Marisamy, son of Pitchaiah, aged about 38 years, now detained at District Jail, Perurani before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.T.Senthil Kumar
Addl. 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 28.05.2024 passed by the second respondent. The representation dated 12.06.2024 was submitted seeking revocation of the detention order.

3. The Under Secretary dealt with the file on 21.06.2024. However, the Deputy Secretary dealt with the file on 28.06.2024. We notice that there is an unexplained delay of five days in considering the representation.



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4.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.

5.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 Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector and District Magistrate,
O/o.The District Collector and District Magistrate,
Tenkasi District, Tenkasi.
- 3.The Superintendent of Prison,
District Jail,

3/5



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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