



H.C.P.(MD)No.1003 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**

H.C.P.(MD)No.1003 of 2024

Ramya

... Petitioner / Wife of the Detenu

Vs.

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise (XIV) Department,
Secretariat, Chennai – 600 009.**
- 2.The District Collector and District Magistrate,
Tenkasi District, Tenkasi - 11.**
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli 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 of the respondent No.2 in M.H.S.Confdl No.37/2024 dated 31.05.2024 and quash the same and direct the respondents to produce the detenu by name Elangovan, son of



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Muthupandiyan aged about 28 years, now detained in Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Vinoth Bharathi

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

ORDER

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

The petitioner's husband was detained as Goonda vide order dated 31.05.2024 by the second respondent. Representation dated 26.07.2024 was submitted seeking revocation of the detention order.

2. The Under Secretary dealt with the file on 12.08.2024. However, the Deputy Secretary dealt with the file on 22.08.2024. We notice that there is an unexplained delay of six days in considering the representation.

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.



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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 Principal Secretary to Government,
Home, Prohibition and Excise (XIV) Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Tenkasi District, Tenkasi - 11.
- 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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and
R.POORNIMA, J.

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