



H.C.P.(MD)No.1024 of 2024

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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.1024 of 2024

S.Chinna Esakkiammal

... Petitioner / Mother of the Detenu

Vs.

**1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.**

**2.The District Collector and District Magistrate,
Tenkasi District,
Tenkasi.**

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

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records connected with the detention order passed in M.H.S.Confdl No. 32/2024 dated 28.05.2024 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son ie., Esakkimuthupandi, aged about 20 years S/o.Santhanakumar now detained at the Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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's son was detained as Goonda vide order dated 28.05.2024 by the second respondent. Representation dated 13.08.2024 was submitted seeking revocation of the detention order.

3. The Under Secretary dealt with the file on 09.09.2024. However, the Deputy Secretary dealt with the file on 13.09.2024. We



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notice that there is an unexplained delay of three days in considering the representation.

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

Note:Issue Order Copy on 04.12.2024.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Tenkasi District,
Tenkasi.

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3. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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