



H.C.P.(MD)No.1041 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

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

H.C.P.(MD)No.1041 of 2024

Rajamanickam

... Petitioner / Father of the Detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City, Trichy.

3.The Superintendent of Police,
Central Prison, Trichy.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus, direct the respondents
to produce the person or body of the detenu namely, Nagesh,
S/o.Rajamanicakm, aged about 19 years before this Court who is now
detained in the Central Prison, Trichy in pursuant to the detention order



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passed by the 2nd respondent in Detention Order

C.No.39/Detention/C.P.O/TC/2024 dated 05.05.2024 and to call for the records and quash the same and set the detenu at liberty forthwith.

For Petitioner : Mr.R.Alagia Nambi

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's son was detained as “Goonda” by the Commissioner of Police, Tiruchirappalli City vide order dated 05.05.2024. The representation was submitted on 19.08.2024.

3.We are satisfied that there was delay in consideration of the said representation. The Under Secretary dealt with the file on 23.08.2024. But the Deputy Secretary dealt with the file only on 30.08.2024. During the intervening period, three days were holidays. The delay of remaining

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three days remains unexplained. Likewise, though the Hon'ble Minister dealt with the file on 01.09.2024, rejection letter was prepared only on 05.09.2024. There is delay in this spell also. We are satisfied that the detenu's right guaranteed under Article 22 of the Constitution of India is infringed. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.

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.)
19.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 20.11.2024.



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To:-

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Secretariat, Chennai – 600 009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City, Trichy.
- 3.The Superintendent of Police,
Central Prison, Trichy.
- 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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