



H.C.P.(MD)No.1143 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM

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

H.C.P.(MD)No.1143 of 2024

Vadivu

... Petitioner / Mother of the Detenu

Vs.

- 1.The State of Tamilnadu,
Rep. by its the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The District Collector – cum - District Magistrate,
Tirunelveli District, Tirunelveli.
- 3.The Superintendent,
Central Prison,
Cuddalore.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus, to call for records in
M.H.S.Confdl.No.95/2024 dated 05.06.2024 and direct the respondents
herein to produce the detenu Asaithambi, aged about 28 years,



H.C.P.(MD)No.1143 of 2024

S/o.Devendraan who has been termed as “Goonda” now confined in Central Prison, Cuddalore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Veerapandi

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

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 records in pursuant to the proceedings of the 2nd respondent in detention order in C.No.51/Detention/C.P.O./TC/2024 dated 04.06.2024 quash the same and consequently direct the respondents to produce the detenu namely Dhivakaran, S/o Ravi aged 23 years who is now detained in Central Prison, Trichy before this Court and set him at liberty.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.T.Senthilkumar,
Addl. Public Prosecutor.

ORDER

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

The petitioner's son was detained as “Goonda” vide order 05.06.2024 by the second respondent. Representation dated 20.08.2024



H.C.P.(MD)No.1143 of 2024

was submitted for revocation of the detention order. Copy of the postal receipt has been enclosed in the typed set of papers. However, the respondents have not considered the same. Since the petitioner's representation seeking revocation of the detention has not been considered, the continued detention of the detenu has become illegal. Article 22 of the Constitution of India states that a detenu is entitled to seek revocation of the detention and as and when, such a representation is received, it should be expeditiously considered. This fundamental right has been breached in this case. We hold that the continued detention of the detenu is illegal.

2.In this view of the matter, the impugned order is set aside and the habeas corpus petition is allowed. The detenu shall be set at liberty unless his detention is otherwise warranted by law.

(G.R.S. J.) & (R.P. J.)
09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 10.12.2024.



H.C.P.(MD)No.1143 of 2024

To:-

WEB COPY

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The District Collector – cum - District Magistrate,
Tirunelveli District, Tirunelveli.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.1143 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

ias

H.C.P.(MD)No.1143 of 2024

09.12.2024