



H.C.P.(MD)No.1108 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

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

H.C.P.(MD)No.1108 of 2024

Lakshmi

... Petitioner / Mother of the Detenu

Vs.

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
 - 2.The Commissioner of Police,
Trichy City, Trichy.
 - 3.The Superintendent of Prison,
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, 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.



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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 04.06.2024 by the second respondent. Representation dated 23.08.2024 was submitted for revocation of the detention order. The Deputy Secretary dealt with the file on 06.09.2024. The Hon'ble Minister dealt with the file on 11.09.2024. There is an unexplained delay of three days in dealing with the representation. We are satisfied that the detenu's right guaranteed under Article 22 of the Constitution of India has been infringed. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.

2.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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3.This habeas corpus petition is allowed accordingly.

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

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 10.12.2024.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Trichy City, Trichy.
- 3.The Superintendent of Prison,
Central Prison, Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA, J.

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