



WEB COPY



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H.C.P.(MD)NO.1161 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.1161 of 2024

Jeyamary

... Petitioner / Mother of detenu

Vs.

1. The Secretary to Government,
Government of India,
Ministry of Home Affairs,
(Department of Internal Security),
Hall No.10, 2nd Floor,
Major Dyanchand National Stadium,
New Delhi – 110 001.
2. The District Collector cum District Magistrate,
O/o.the District Collector cum District Magistrate,
Tirunelveli District,
Tirunelveli.
3. The Secretary to Government,
Law & Order-F General Department,
The Chid Secretary of Tamil Nadu,
Chennai – 9.
4. The Superintendent,
Central Prison,
Puzhal, Chennai.

... Respondents

Prayer: Habeas Corpus petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the



records pertaining to the detention order in N.S.A.No.01/2024 dated 24.02.2024 passed by the second respondent and set aside the same by setting the detenu namely Jacob @ Black Jacquvar, S/o.Jeyakumar Dhanabal, aged 32 / 2024 years and set him at liberty now detained at Central Prison, Puzhal.

For Petitioner : Mr.K.Sivabalan,
for M/s.Aran Legal Consultancy.

For R-1 : Mr.K.Govindarajan,
Deputy Solicitor General of India.

For R-2 to R-4 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The mother of the detenu is the petitioner before us. The petitioner's son was detained under the National Security Act, 1980. The detention order was passed as early as on 24.02.2024. The representation seeking revocation was however submitted only on 12.09.2024. It was considered and rejected on 04.11.2024.



3. On considering the particulars set out in the proforma, we are satisfied that continuance of the detention is vitiated by delay. Parawise remarks were called from the detaining authority on 13.09.2024 and the parawise remarks were received by the Government on 30.09.2024. There is a delay of 16 days. It has not been properly explained. In this view of the matter, the impugned order is set aside. This Habeas Corpus petition is allowed. The detenue shall be set at liberty unless his detention is otherwise warranted by law.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)

18th November 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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(Department of Internal Security),
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Puzhal, Chennai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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