



H.C.P.(MD)No.1201 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM

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

H.C.P.(MD)No.1201 of 2024

Nisha

... Petitioner / Mother of the Detenue

Vs.

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

2.The District Collector and District Magistrate,
Kanniyakumari District,
Nagercoil.

3.The Superintendent of Prison,
Kanyakumari,
Kanyakumari District.

4.The Additional Superintendent of Prison,
District Jail,
Nagercoil,
Kanniyakumari District.

... 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 P.D.No.24 of 2024, dated 18.05.2024 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 K.Sheik Syed Ali @ Faisal sons of Khadar Ismail aged about 28 years, who is confined in District Jail, Nagercoil before this Court and set him at liberty forthwith.

For Petitioner : Mr.V.Balaji Rajaram

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

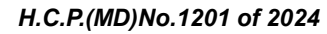
ORDER

(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 18.05.2024. The representation dated 26.05.2024 was submitted seeking revocation of the detention order.

3. The Deputy Secretary dealt with the file on 05.07.2024. However, the Hon'ble Minister dealt with the file on 11.07.2024. We notice that there is an unexplained delay of four days in considering the



4. In this view of the matter, we hold that the detainee's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

(G.R.S. J.) & (R.P. J.)
26.11.2024

Note: Issue Order Copy on 28.11.2024.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

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3. The Superintendent of Prison,
Kanyakumari,
Kanyakumari District.
4. The Additional Superintendent of Prison,
District Jail,
Nagercoil,
Kanniyakumari District.
5. 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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