



H.C.P.(MD).No.1313 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.03.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN  
AND  
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD).No.1313 of 2023

Senthurakani

... Petitioner/ Wife of the Detenu

Vs.

1.The Additional Chief Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise (xiv) Department,  
State of Tamil Nadu,  
Fort St.George,  
Chennai – 600 009.

2.The District Collector and District Magistrate,  
Office of the District Collector and District Magistrate,  
Tirunelveli District,  
Tirunelveli.

3.The Superintendent of Prison,  
Palayamkottai Central Prison,  
Tirunelveli District.

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to  
issue a writ of Habeas Corpus, calling for the entire records, connected with



H.C.P.(MD).No.1313 of 2023

the detention order of the second respondent in M.H.S.Confdl No:65/2023 dated 16.06.2023 and quash the same and direct the respondents to produce the body or person of the detenu by name Suresh alias Sureshkumar, Son of Velusamy, aged about 33 years, detained as “Goonda” at Palayamkottai Central Prison, now confining at District Jail, Perurani, Thoothukudi District before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi  
Additional Public Prosecutor

### **ORDER**

**DR.G.JAYACHANDRAN,J.**  
**and**  
**C.KUMARAPPAN,J.**

The detention order was clamped on the husband of the petitioner herein on 16.06.2023. The detenu had come to the adverse notice and fallen under the scanner of the detaining authority in view of nine adverse cases and one ground case, which is for offence under Section 307 IPC.

2. The short point canvassed in the Habeas Corpus Petition is that the representation dated 09.09.2023, through the Prison Authority, was not forwarded to the Government immediately, but there was a delay of more



*H.C.P.(MD).No.1313 of 2023*

than 40 days in forwarding the same.

WEB COPY

3. The learned counsel appearing for the petitioner by referring to the rejection order passed by the first respondent on 03.11.2023, wherein the representation dated 09.09.2023 has been rejected, would submit that the Prison Authority though received the representation on 09.09.2023 had forwarded the same to the Government and the Government had received the same only on 13.03.2023. Thus contended that the inordinate delay in forwarding the representation is not properly explained. To ascertain as to when the representation was received by the Prison Authority and when it was, in turn, forwarded to the Government, this Court directed the learned Additional Public Prosecutor to furnish the details and record maintained by the Prison Authority.

4. From the perusal of the records, this Court finds that the representation of the detenu along with covering letter of the counsel was received by the Prison Authority on 09.09.2023 as per the seal found in the representation. From a perusal of the Tapal Register, this Court finds that



H.C.P.(MD).No.1313 of 2023

the said representation being sent to the Government only on 19.10.2023 and the same has been received by the Government on 30.10.2023.

5. In the light of the judgment of the Hon'ble Supreme Court in *Munjushree Plantation Limited and others Vs State of Tamil Nadu and others* reported in (1989) 3 SCC 282 dealing with the delay in forwarding the representation to the Government for consideration, this Court finds that on this solitary ground, the detention order is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No:65/2023 dated 16.06.2023 passed by the second respondent is set aside. The detenu, viz., Suresh alias Sureshkumar, S/o.Velusamy, aged about 33 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(G.J.,J.) (C.K.,J.)  
04.03.2024

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
cp



*H.C.P.(MD).No.1313 of 2023*

WEB COPY

To

- 1.The Additional Chief Secretary to Government,  
State of Tamil Nadu,  
Home, Prohibition and Excise (xiv) Department,  
State of Tamil Nadu,  
Fort St.George,  
Chennai – 600 009.
- 2.The District Collector and District Magistrate,  
Office of the District Collector and District Magistrate,  
Tirunelveli District,  
Tirunelveli.
- 3.The Superintendent of Prison,  
Palayamkottai Central Prison,  
Tirunelveli District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*H.C.P.(MD).No.1313 of 2023*

**DR.G.JAYACHANDRAN,J.**  
**and**  
**C.KUMARAPPAN,J.**

cp

H.C.P.(MD).No.1313 of 2023

04.03.2024