



H.C.P.(MD)No.905 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM

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

H.C.P.(MD)No.905 of 2024

K.Muniyasamy

... Petitioner / Father 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,
Tirunelveli District,
Tirunelveli.

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

... 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 entire



H.C.P.(MD)No.905 of 2024

records connected with the detention order passed in M.H.S.Confdl.No. 128/2024, dated 13.07.2024 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenue namely the petitioner's son ie., Mariraj aged about 31 years, S/o.Muniyasamy, now detained at the Central Prison, Palayamkotai before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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 13.07.2024 by the second respondent. The representation dated 22.07.2024 was submitted seeking revocation of the detention order.

3. The file was submitted on 02.08.2024. The Under Secretary dealt with the file on the same day. However, the deputy Secretary dealt with the file on 13.08.2024. We notice that there is an unexplained delay of 6 days in considering the representation.

2/4



H.C.P.(MD)No.905 of 2024

WEB COPY

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

5.This Habeas Corpus Petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
28.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note:Issue Order Copy on 29.01.2025.

To:-

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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

3/4



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H.C.P.(MD)No.905 of 2024

G.R.SWAMINATHAN, J.
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H.C.P.(MD)No.905 of 2024

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