



H.C.P.(MD)No.949 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.01.2025

CORAM

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

H.C.P.(MD)No.949 of 2024

M.Nagajothi

... Petitioner / Mother of Detenu

Vs.

1.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Govt. of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai - 600 009.

2.The District Collector Cum District Magistrate,
Office of Collectorate,
Sivagangai District,
Sivagangai.

3.The Superintendent,
Central Prision,
Madurai.

... 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 records pertaining to the proceedings of the 2nd respondent made in his proceedings in Cr.M.P.No.16/Goonda/2024 dated 08.07.2024 and quash



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the same and set the petitioner's son name Bala @ Balamanikandan
S/o.Murugan aged 21 years at liberty from Central Prison, Madurai.

For Petitioner : Mr.C.Prithviraj

For Respondents : Mr.T.Senthilkumar,
Addl. 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 08.07.2024 by the second respondent. Representation dated 26.07.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 12.08.2024. The Deputy Secretary dealt with the file on 22.08.2024. There is an unexplained delay of six 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.



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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.

3.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
20.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 21.01.2025.

To:-

- 1.The Principal Secretary to Government,
Govt. of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai - 600 009.
- 2.The District Collector Cum District Magistrate,
Office of Collectorate,
Sivagangai District,
Sivagangai.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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R.POORNIMA, J.

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