

H.C.P.(MD)No.978 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2025

CORAM

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

H.C.P.(MD)No.978 of 2024

Micheal @ Mahalingam

... Petitioner / Detenue

Vs.

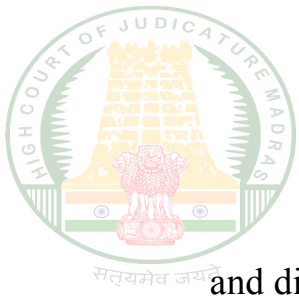
1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009.

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

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... 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 records connected with the detention order of the second respondent in B.C.D.F.G.I.S.S.V.No.18/2024, dated 10.07.2024 and quash the same



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and direct the respondents to produce the body or person of the detenu by name Micheal @ Mahalingam son of Mayandi aged a bout 28 years, now detained as “Goonda” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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 was detained as “Goonda” vide order dated 10.07.2024 by the second respondent. The representation dated 23.07.2024 was submitted for revoking the same.

3. The Under Secretary dealt with the file on 12.08.2024. However, the Deputy Secretary dealt with the file on 22.08.2024. We notice that there is an unexplained delay of six days in considering the representation.



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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.)
21.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

Note:Issue Order Copy on 22.01.2025.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600009.
- 2.The District Collector and District Magistrate,
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Madurai District.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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