

H.C.P.(MD)No.1032 of 2024

WEB COPY

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.1032 of 2024

Tamilselvi

... Petitioner / Wife of the Detenue

Vs.

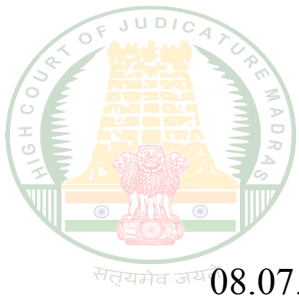
1.State represented by
the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-9.

2.The District Collector and
District Magistrate,
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Prison,
Central Prison,
Tirunelveli 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 records
from the second respondent in H.S.(M)Confdl No.98 of 2024, dated



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08.07.2024 by setting aside the said order of detention passed by the second respondent and setting the detainee Muthuraj @ Karthik S/o.Thangaraj, aged about 32 years at liberty now detained in the Central Prison, Palayamkottai.

For Petitioner : Mr.K.Prabhu

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 husband was detained as “Goonda” vide order dated 08.07.2024 by the second respondent. The representation dated 08.08.2024 was submitted seeking its revocation.

3. The Under Secretary dealt with the file on 14.08.2024. However, the Deputy Secretary dealt with the file on 27.08.2024. 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 Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-9.
- 2.The District Collector and
District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison,
Tirunelveli District.

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



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and
R.POORNIMA, J.

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