



HCP.[MD}.No.867/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.12.2025

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MRS. JUSTICE N.MALA

H.C.P.(MD)No.867 of 2025

Kalam @ Abdul Kalam

... Petitioner /
Detenu

-VS-

- 1.State of Tamil Nadu rep.by its
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St George, Chennai-600 009.
- 2.The District Collector and District Magistrate
O/o.The District Collector & District Magistrate
Ramanathapuram District.
- 3.The Superintendent of Prison
Madurai Central Prison, Madurai District.
- 4.The Superintendent of Prison
Ramanathapuram District Jail
Ramanathapuram.

... Respondents



HCP./MD}.No.867/2025

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the respondent NO.2, in SR.NO. 22/Goonda/2025 dated 09.04.2025 and quash the same and direct the respondents to produce the detenu by name Kalam @ Abdul Kalam, son of Ameer Abdul Rahman, aged about 21 years, now detained as "Goonda" at Ramanathapuram District Jail before this Court and set him at liberty forthwith.

For Petitioner : S.Ramesh Kumar
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the detenu viz., Kalam @ Abdul Kalam, son of Ameer Abdul Rahman, aged about 21 years. The detenu has been detained by the second respondent by his order in SR.No.22/Goonda/2025, dated 09.04.2025, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



HCP./MD}.No.867/2025

3.Though several grounds have been raised in the habeas corpus petition, learned counsel for the petitioner focused mainly on the ground that there is an unexplained delay in considering the representation of the petitioner, dated 14.07.2025. According to the learned counsel for the petitioner, the representation dated 14.07.2025, was received by the Government on 18.07.2025, and the rejection letter was sent to the detenu on 24.07.2025. There is a delay of 4 days in Column Nos.6 and 12 as well as a further delay of 4 days in Co.Nos.7 and 11, of the Proforma in considering the petitioner's representation. The said inordinate delay of 8 days in considering the representation remains unexplained and the same vitiates the impugned detention order. In support of his contention, learned counsel for the petitioner relied on the Judgment of the Honourable Supreme Court in ***Rajammal vs. State of Tamil Nadu***, reported in (1999) 1 SCC 417.

4.Learned Additional Public Prosecutor, on instructions, submitted that the representation of the petitioner was dated 14.07.2025 and after satisfying with the materials placed by the Sponsoring Authority, the Detaining Authority has passed the impugned detention order and there is no illegality or infirmity in the detention order. It is also stated that even if



HCP.[MD}.No.867/2025

there is any delay in disposal of the representation, it has not caused any prejudice to the rights of the detenu and hence, prayed for dismissal of the habeas corpus petition.

5. On perusal of the records it is seen that the representation is dated 14.07.2025 and the same was duly received by the 3rd respondent on 18.07.2025. There was a delay of 4 days in considering the representation by the 1st respondent which caused much prejudice to the detenu to put forth his case before the Advisory Board. On this sole ground, the detention order is vitiated and is liable to be set aside. Further, we find that the representation of the petitioner dated 04.07.2025, received by the Government on 18.07.2025, was rejected on 22.07.2025 and the rejection letter was sent to the detenu on 24.07.2025. As per the Proforma submitted by the learned Additional Public Prosecutor, there is a delay of 4 days in Column Nos.5 and 6 and a further delay of 4 days in Column Nos.7 and 11, in considering the representation of the petitioner and we find that the said delay remains unexplained.

6. It is trite law that the representation should be very expeditiously considered and disposed of with a sense of urgency and without avoidable delay. Any unexplained delay in the disposal of the



HCP.[MD}.No.867/2025

representation would be a breach of the constitutional imperative and it would render the continued detention impermissible and illegal. From the records produced, we find that no acceptable explanation has been offered for the delay of 8 days. Therefore, we have to hold that the delay has vitiated further detention of the detenu.

7. In the above cited decision of the Honourable Supreme Court in **Rajammal's** case, it has been held as follows:

"It is a constitutional obligation of the Government to consider the representation forwarded by the detenu without any delay. Though no period is prescribed by Article 22 of the Constitution for the decision to be taken on the representation, the words "as soon as may be " in clause (5) of Article 22 convey the message that the representation should be considered and disposed of at the earliest."

8. As per the dictum laid down by the Supreme Court in above cited **Rajammal's** case, number of days of delay is immaterial and what is to be considered is whether the delay caused has been properly explained by the authorities concerned. But, in the instant case, the inordinate delay of 8 days has not been properly explained.



HCP.[MD}.No.867/2025

WEB COPY

9. Further, in a recent decision in *Ummu Sabeena vs. State of Kerala-2011 STPL (Web) 999 SC*, the Honourable Supreme Court has held that the history of personal liberty, as is well known, is a history of insistence on procedural safeguards. The expression 'as soon as may be', in Article 22(5) of the Constitution of India clearly shows the concern of the makers of the Constitution that the representation made on behalf of the detenu, should be considered and disposed of with a sense of urgency and without any avoidable delay.

10. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of delay on the part of the Government in disposing of the representation of the petitioner.

11. In the result, the Habeas Corpus Petition is allowed and the order of detention in SR.No.22/Goonda/2025, dated 09.04.2025, passed by the second respondent is set aside. The detenu, viz., Kalam @ Abdul Kalam, son of Ameer Abdul Rahman, aged about 21 years, is directed to be released forthwith unless his detention is required in connection with any other case



HCP./MD}.No.867/2025

12.It is also made clear that if any bail application is filed

by the detenu, the trial Court is directed to dispose the bail application on its own merits and in accordance with law, without influencing any of the observations made by this Court.

[G.K.I., J.] [N.M., J.]
11.12.2025

AP

NCC :Yes/No

Index: Yes/No

Internet: Yes/No

To

- 1.The Additional Chief Secretary to Government,, State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort St George, Chennai-600 009.
- 2.The District Collector and District Magistrate
O/o.The District Collector & District Magistrate
Ramanathapuram District.
- 3.The Superintendent of Prison
Madurai Central Prison, Madurai District.
- 4.The Superintendent of Prison
Ramanathapuram District Jail
Ramanathapuram.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



HCP./MD}.No.867/2025

G.K. ILANTHIRAIYAN,J.

AND

N.MALA,J.

AP

H.C.P.(MD)No.867 of 2025

11.12.2025