

H.C.P.(MD)No.1199 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.1199 of 2024

Arulselvam

... Petitioner / Brother of the Detenue

Vs.

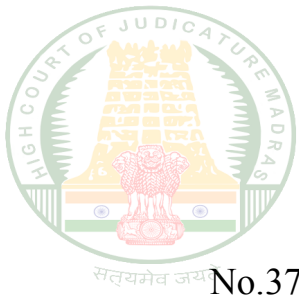
**1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise (xiv) Department,
Fort St.George,
Chennai-600009.**

**2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City.**

**3.The Superintendent of Prison,
Palayamkottai 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 entire
records connected with the detention order of the second respondent in



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No.37/BCDFGISSSV/2024, dated 23.07.2027 and quash the same and direct the respondents to produce the body or person of the detenu by name Yesuraja son of Rathinam, aged about 28 years, now detained at “Goonda” at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.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's brother was detained as “Goonda” vide order dated 23.07.2024. The representation dated 02.09.2024 was submitted seeking revocation of the detention order.

3. The deputy secretary dealt with the file on 23.09.2024. The Hon'ble Minister dealt with the file on 28.09.2024. We notice that there is an unexplained delay of 4 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.)
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:-

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise (xiv) Department,
Fort St.George,
Chennai-600009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli 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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