



H.C.P.(MD)No.1279 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

CORAM

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

H.C.P.(MD)No.1279 of 2024

Muthu

... Petitioner / Mother of the Detenue

Vs.

State of Tamil Nadu rep. by

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

... 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 pertaining to the impugned detention order passed by the second respondent made in his proceedings in C.No.75/Detention/C.P.O./T.C.



H.C.P.(MD)No.1279 of 2024

2024, dated 05.07.2024 in detaining the detainee under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the Detenu namely Arjun S/o.Palanisamy, Male aged about 24 years who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

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 son was detained as Goonda vide order dated 05.07.2024 by the second respondent. The representation dated 25.07.2024 was submitted for revoking the detention order.

3. The Under Secretary dealt with the file on 31.07.2024. However, the Deputy Secretary dealt with the file on 09.08.2024. We notice that there is an unexplained delay of six days in considering the representation.



H.C.P.(MD)No.1279 of 2024

WEB COPY

4. 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.

5. This Habeas Corpus Petition is allowed accordingly.

(G.R.S. J.,) & (R.P. J.,)
06.01.2025

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

Note: Issue Order Copy on 07.01.2025.

To:-

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.
3. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3/4



WEB COPY



H.C.P.(MD)No.1279 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

rmi

H.C.P.(MD)No.1279 of 2024

06.01.2025