

(2005) 07 MAD CK 0132
In the Madras High Court
Case No : H.C.P. No. 352 of 2005

Ammu

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 19-07-2005

Acts Referred:

Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 — Section 3(1)

Citation : (2005) 07 MAD CK 0132

Hon'ble Judges : P. Sathasivam, J;AR. Ramalingam, J

Bench : Division Bench

Advocate : K. Semmalai, for the Appellant; Abudukumar Rajarathinam, Government Advocate (Crl.Side), for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The wife of the detenu challenges the detention order dated 11.03.2005, detaining her husband, namely, Mathi as a

Bootlegger under sub-section (1) of section 3 of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest

Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. At the foremost, learned counsel appearing for the petitioner submits that there was inordinate delay in disposal of the representation of the

detenu, which vitiates the ultimate detention order passed by the second respondent .

3. With reference to the same, the learned Government Advocate (Criminal Side) has furnished details, which show that the representation of the

detenu was received by the Government on 29.03.2005; remarks were called for on 30.03.2005; remarks were received on 15.04.2005 and

thereafter, the file was submitted for orders on 21.04.2005. The same was dealt with by the Under Secretary and Deputy Secretary on 2

1.04.2005 and the Minister for Prohibition and Excise has passed an order on the same day. However, the rejection letter was prepared only on

27.04.2005. The said letter was sent to the Superintendent, Central Prison on 28.04.2005 and the same was served to the detenu on 3

0.04.2005. The above mentioned details show that there was delay at the hands of the detaining authority and even after obtaining order from the

competent authority, namely, the Minister for Prohibition and Excise, the rejection letter was prepared only on 27.04.2005. In the absence of

proper explanation by the Officer/authority concerned, we hold that the detenu was prejudiced in consideration of his representation, which vitiates

the ultimate order of detention. On this ground, the detention order is liable to be quashed.

4. Under these circumstances, the impugned order of detention is quashed and the habeas corpus petition is allowed. The detenu is directed to be

set at liberty forthwith, unless he is required in connection with any other case.