

(2006) 07 MAD CK 0039

In the Madras High Court

Case No : Habeas Corpus Petition No. 421 of 2006

Ashokumar

APPELLANT

Vs

The Secretary to Government, Prohibition and Excise
Department, Government of Tamil Nadu and The District
Collector and District Magistrate

RESPONDENT

Date of Decision : 11-07-2006

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 : (2006) 07 MAD CK 0039

Hon'ble Judges : V. Dhanapalan, J;P. Sathasivam, J

Bench : Division Bench

**Advocate : V. Parthiban, for E. Kannadasan, for the Appellant; M. Babu Muthu
Meeran, Assistant Public Prosecutor, for the Respondent**

Final Decision : Allowed

Judgement

V. Dhanapalan, J.—The petitioner by name Ashokumar, challenges the impugned order of detention dated 20.03.2006, detaining his mother

Lakshmi as "" Bootlegger"" u/s 3(1) of the Tamil Nadu Prevention of Dangerous activities of Bootleggers, Drug Offenders, Forest Offenders,

Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1981 (Tamil Nadu Act 14 of 1982).

2. Heard both sides.

3. Even at the foremost the learned Counsel for the petitioner submitted that there was delay in considering the representation of the detainee,

which vitiates the ultimate order of detention. With reference to the said claim the learned Additional Public Prosecutor has placed details, which

show that the representation of the detainee dated 18.04.2006 was received by

the Government on 19.04.2006 and remarks were called on 21.04.2006, remarks were received on 02.05.2006. After receipt of the remarks, the file was dealt with by the Under Secretary and the Deputy Secretary on 03.05.2006; order was passed by the Minister for Prohibition and Excise on 04.05.2006, rejection letter was prepared on 10.05.2006; the same was sent to the detainee on 11 .05 .2006 and the rejection letter was served on the detainee on 15.05.20 06. As rightly pointed out though the Minister has passed an order on 04.05.2006, there is no explanation or reason for preparing the rejection letter till 10.05.2006. In the absence of any explanation, we hold that there is a delay between 04.05.2006 and 10.05.2006. On this ground, the impugned detention order is quashed; accordingly, this petition is allowed. The order of detention impugned in the petition is set aside and the detainee is directed to be set at liberty forthwith from the custody unless she is required in connection with any other case.