
(2006) 07 MAD CK 0049

In the Madras High Court

Case No : Habeas Corpus Petition No. 445 of 2006

Chinnavan

APPELLANT

Vs

The State of Tamil Nadu

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 0049

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

Bench : Division Bench

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

Final Decision : Allowed

Judgement

V. Dhanapalan, J.—The petitioner, who is the husband of the detenue by name Valli, who is detained as a "Bootlegger" as contemplated 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, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 06.04.2006,

challenges the same in this Petition.

2. Heard learned Counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned Counsel for the petitioner submitted that there is enormous delay in disposal of the representation of the detenue, which

vitiates the ultimate order of detention. With reference to the above claim, the learned Additional Public Prosecutor has placed the 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 for on

20.04.2006 and the remarks were received by the Government on 05.05.2006 and the File was submitted on 09.05.2006 and the same was dealt

with by the Under Secretary and the Deputy Secretary on 10.05.2006 and finally, the Minister for Prohibition and Excise passed orders on

23.05.2006. The rejection letter was prepared on 24.05.2006 and the same was sent to the detainee on 25.05.2006 and served to her on

29.05.2006. As rightly pointed out by the learned Counsel for the petitioner, though the Deputy Secretary dealt with the file on 10.05.2006, the

Minister for Prohibition and Excise passed an order only on 23.05.2006 and there is no explanation at all for taking time for passing the order till

23.05.2006. In the absence of any explanation by the person concerned even after excluding the intervening holidays, we are of the view that the

time taken for passing the order is on the higher side and we hold that the said delay has prejudiced the detainee in disposal of her representation.

On this ground, we quash the impugned order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detainee is directed to be set at liberty

forthwith from the custody unless she is required in some other case or cause.