

(2006) 06 MAD CK 0168

In the Madras High Court

Case No : Habeas Corpus Petition No. 285 of 2006

K. Pattabi

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 20-06-2006

Acts Referred:

Citation : (2006) 06 MAD CK 0168

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

Bench : Division Bench

Advocate : K.S. Rajagopalan, for the Appellant; M. Babu Muthu Meeran,
Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

V. Dhanapalan, J.—The petitioner by name Pattabi, who was detained as a ""Bootlegger"" as contemplated under 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 26.01.2006, 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 detenu, which

vitiates the ultimate order of detention. With reference to the above claim, learned Additional Pub Prosecutor has placed the details, which show

that the representation of the detenu was received by the Government on 6.2.2006 and remarks were called for from the Government on

10.2.2006 and the remarks were received by the Government on 15.2.2006 and the File was submitted on the same day i.e. on 15.02.2006 and

the same was dealt with by the Under Secretary and the Deputy Secretary also on the same day i.e. on 15.02.2006 and finally, the Minister for

Prohibition and Excise passed orders on 16.02.20 06. The rejection letter was prepared on 21.02.2006 and the same was sent to the detenu on

22.02.2006 and served to him on 25.02.2006. As rightly pointed out by the Learned Counsel for the petitioner, though the Minister for Prohibition

and Excise passed an order on 16.02.2006, there is no explanation at all for taking time for preparation of rejection letter till 21.02.2006. 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

preparation of rejection letter is on the higher side and we hold that the said delay has prejudiced the detenu in disposal of his 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 detenu is directed to be set at liberty

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