
(2006) 06 MAD CK 0040

In the Madras High Court

Case No : Habeas Corpus Petition No. 290 of 2006

K. Selvi

APPELLANT

Vs

The State

RESPONDENT

Date of Decision : 27-06-2006

Acts Referred:

Citation : (2006) 06 MAD CK 0040

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

Bench : Division Bench

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

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, who is the mother of the detenu by name K.Kannan @ Kozhi Kannan, who is detained as a ""Goonda

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

21.11.2005, 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 Public Prosecutor has placed the details, which show

that the representation of the detenu dated 16.03.2006 was received by the

Government on 20.03.2006 and remarks were called for on 21.03.2006 and the remarks were received by the Government on 27.03.2006 and the File was submitted on 28.03.2006 and the same was dealt with by the Under Secretary and the Deputy Secretary on the same day i.e. on 28.03.2006 and finally, the Minister for Prohibition and Excise passed orders on 29.3.2006. The rejection letter was prepared on 10.04.2006 and the same was sent to the detenu on 11.04.2006 and served to him on 12.04.2006. As rightly pointed out by the learned Counsel for the petitioner, though the Minister for Prohibition and Excise passed an order on 29.03.2006, there is no explanation at all for taking time for preparation of rejection letter till 10.04.2006. 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.