

(2006) 02 MAD CK 0086

In the Madras High Court

Case No : Habeas Corpus Petition No. 1204 of 2005

K. Vivekanandan

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 24-02-2006

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) 02 MAD CK 0086

Hon'ble Judges : P. Sathasivam, J; J.A.K. Sampathkumar, J

Bench : Division Bench

Advocate : P. Venkatasubramaniam, for R. Subadra Devi, for the Appellant; Abudukumar Rajaratrinam, Government Advocate (Crl.), for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner by name Vivekanandan, is the friend of one Mattukkara Sridhar @ Sridhar, who was detained as

Goonda u/s 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral

Traffic Offenders and Slum Grabbers Act, 1982 (in short ""Tamil Nadu Act 14 of 1982""), challenges the same in this petition.

2. Heard both sides.

3. Even at the foremost the learned counsel for the petitioner submitted that there was inordinate delay in considering the representation of the

detenu, which vitiates the ultimate order of detention. With reference to the said claim the learned Government Advocate has placed details, which

show that as against the representation of the detainee dated 19.10.2005, remarks were received on 25.10.2005. After receipt of the remarks, the

file was submitted on 26.10.2005 and the same was dealt with by the Under Secretary and the Deputy Secretary on the same day, i.e., on

26.10.2005 itself; order was passed by the Minister for Prohibition and Excise on 28.10.2005, rejection letter was prepared on 07.11.2005; the

same was sent to the detenu on 08.11.2005 and the rejection letter was served on the detenu only on 10.11.2005. As rightly pointed out, though

the concerned Minister has passed an order on 28.10.2005, there is no explanation or reason for not forwarding the same to the detenu till

10.11.2005. In the absence of any explanation, we hold that the delay between 28.10.2005 and 10.11.2005 is enormous. On this ground, the

impugned detention order is vitiated and the same is quashed; accordingly, this petition is allowed. The order of detention impugned in the petition

is set aside and the detenu is directed to be set at liberty forthwith from the custody unless he is required in connection with any other case.