
(2006) 07 MAD CK 0133

In the Madras High Court

Case No : Habeas Corpus Petition No. 468 of 2006

Kalaiyarasi

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 0133

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

Bench : Division Bench

Advocate : V.R. appaswamee, 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 daughter of the detinue by name Muniyammal, 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

28.02.2006, 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 detinue, 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 detainee dated 20.04.2006 was received by the Government on 21.04.2006 and remarks were called for on

24.04.2006 and the remarks were received by the Government on 02.05.2006 and the File was submitted on 03.05.2006 and the same was dealt

with by the Under Secretary and the Deputy Secretary on the same day i.e. on 03.05.2006 and finally, the Minister for Prohibition and Excise

passed orders on 04.05.2006. The rejection letter was prepared on 10.05.2006 and the same was sent to the detainee on 11.05.2006 and served

to him on 15.05.2006. As rightly pointed out by the learned Counsel for the petitioner, though the Minister for Prohibition and Excise passed an

order on 04.05.2006, there is no explanation at all for taking time for preparation of rejection letter till 10.05.2006. 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 preparation of

rejection letter 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.