
(2006) 01 MAD CK 0068
In the Madras High Court
Case No : HCP. No. 1090 of 2005

Lakshmi

APPELLANT

Vs

The State of Tamilnadu

RESPONDENT

Date of Decision : 23-01-2006

Acts Referred:

Citation : (2006) 01 MAD CK 0068

Hon'ble Judges : P. Sathasivam, J;N. Paul Vasanthakumar, J

Bench : Division Bench

Advocate : R. Subadra Devi, for the Appellant; M.K. Subramanian, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner who is the wife of the detenu by name Highspeed @ Arumugam challenges the impugned detention order

dated 10.03.2005 detaining her husband as 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 10.03.2005, in this Petition.

2. Heard learned counsel for the petitioner as well as learned Government Advocate for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there was undue delay in disposal of the representation of the detenu, which

vitiates the ultimate order passed by the detaining authority. With reference to the above statement, learned Government Advocate has produced

the particulars which show that on receipt of the representation from the detenu

on 28.09.2005, remarks were called for by the Government on

29.09.2005 and the same were received on 07.10.20 05. Thereafter, the File was dealt with by the Under Secretary and Deputy Secretary on

10.10.2005 and finally, the Minister for Prohibition and Excise passed orders on 13.10.2005. However, the rejection letter was prepared on

20.10.2005. The said letter was sent to the Superintendent of Central Prison for service on 21.10.2005 and served to him on 25.10.2005.

4. As rightly pointed out by the learned counsel for the petitioner, even though the competent authority passed orders as early as on 13 .10.2005,

there is no explanation for taking time till 20.10.2005 for preparation of the rejection letter. In the absence of proper explanation by the person

concerned, we hold that the delay has prejudiced the detenu in considering his representation effectively. On this ground, we quash the impugned

order of detention.

5. 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.