

---

**(2006) 04 MAD CK 0168**

**In the Madras High Court**

**Case No : Habeas Corpus Petition No. 93 of 2006**

M. Geetha

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

---

**Date of Decision :** 18-04-2006

**Acts Referred:**

**Citation :** (2006) 04 MAD CK 0168

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

**Bench :** Division Bench

**Advocate :** P. Venkatasubramanian, for P. Kumaresan, for the Appellant; Abudu Kumar Rajarathinam, Government Advocate (Crl. Side), for the Respondent

**Final Decision :** Allowed

---

## **Judgement**

P. Sathasivam, J.—The petitioner herein challenges the impugned order of detention, dated 22.12.2005, detaining her husband as "Boot-

Legger" 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).

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 delay in disposal of the representation of the detenu, which vitiates

the ultimate order of detention. In respect of the same, learned Government Advocate has produced the particulars, which show that the

representation of the detenu, dated Nil was received by the Government on 23.01.2006 and remarks were called for on the same day. The

particulars of the Collectorate show that the intimation was received from the Government on 28.01.2006 and remarks were, in turn, called for

from the Sponsoring Authority on 30.01.2006, however, the same were received from the Sponsoring Authority only on 07.02.2006, sent to the

Government on 10.02.2006 and the same was received by it on the same day. The File was submitted on 10.02.2006 and the same was dealt

with by the Under Secretary and the Deputy Secretary on 13.02.2006. Finally, the Minister for Prohibition and Excise passed orders on

13.02.2006. The rejection letter was prepared on 17.02.2006 and sent to the Prison on 20.02.2006 and was served on the detenue on

22.02.2006.

4. As rightly pointed out, though remarks were called for from the Sponsoring Authority on 28.01.2006, the same were received by the

Collectorate only on 07.02.2006. There is no explanation at all for taking time till 07.02.2006 by the Sponsoring Authority for collecting the

remarks. We hold that, in the absence of proper explanation by the person concerned, the delay is on the higher side, which caused prejudice to

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 quashed. The detenu is directed to be set at liberty

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