

(2006) 04 MAD CK 0194

In the Madras High Court

Case No : Habeas Corpus Petition No. 103 of 2006

Mahendran

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 18-04-2006

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) 04 MAD CK 0194

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

Bench : Division Bench

Advocate : D. Veerasekaran, for the Appellant; Abudukumar Rajarathinam, Government Advocate (Crl.), for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner by name Mahendran, who is the brother-in-law of the detenu, challenges the impugned order of detention

dated 22.12.2005, detaining Jayapaul (detenu), as ""Boot-Legger"" 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"").

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 the representation of the detenu dated 03.01.2006 was received by the Government on 16.01.2006 and remarks were received on

16.01.2006. After receipt of the remarks, the same was dealt with by the Under Secretary and the Deputy Secretary on 17.01.2006; order was passed by the Minister for Prohibition and Excise on 18.01.2006, rejection letter was prepared on 30.01.2006; the same was sent to the detenu on the same day and the rejection letter was served on the detenu on 02.02.2006. As rightly pointed out though the concerned Minister has passed an order on 18.01.2006, there is no explanation or reason for not forwarding the same to the detenu till 02.02.2006. In the absence of any explanation, we hold that the delay between 18.01.2006 and 02.02.2006 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.