

(2006) 08 MAD CK 0129
In the Madras High Court
Case No : H.C.P. No. 540 of 2006

Manoharan

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 07-08-2006

Acts Referred:

Citation : (2006) 08 MAD CK 0129

Hon'ble Judges : S. Manikumar, J;P. Sathasivam, J

Bench : Division Bench

Advocate : S. Swamidoss Manokaran, 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 husband of the detenue by name Shanthi, who is detained as a ""Bootlegger"" 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 26.04.2006, 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 detenue, 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 detenue dated 05.05.2006 was received by the

Government on 09.05.2006 and the remarks were called for on 10.05.2006 and the representation of the detenue was received from the Government on 12.05.2006 and the parawar remarks were called for from the Sponsoring authority on the same day i.e. on 12.05.2006 and the remarks were received from the sponsoring authority on 18.05.2006. Thereafter, the remarks were received by the Government on 19.05.2006 and the File was submitted on 22.05.2006 and the same was dealt with by the Under Secretary on the same day i.e. 22.05.2006 and by the Deputy Secretary on 23.05.2006 and finally, the Minister for Prohibition and Excise passed orders on 24.05.2006. The rejection letter was prepared on the same day i.e. on 24.05.2006 and the same was sent to the detenue on 26.05.2006 and served to her on 29.05.2006. As rightly pointed out by the learned Counsel for the petitioner, though parawar remarks were called for from the sponsoring authority on 12.05.2006, the remarks were received from the sponsoring authority by the Collectorate only on 18.05.2006 and there is no explanation at all for sending the remarks to the Collectorate belatedly. 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 sending the remarks to the Collectorate is on the higher side and we hold that the said delay has prejudiced the detenue 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 detenue is directed to be set at liberty forthwith from the custody unless she is required in some other case or cause.