
(2006) 07 MAD CK 0082

In the Madras High Court

Case No : Habeas Corpus Petition No. 473 of 2006

Mathiyalagan

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 17-07-2006

Acts Referred:

Citation : (2006) 07 MAD CK 0082

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

Bench : Division Bench

Advocate : E. Kannadasan, for the Appellant; M. Babu Muthu Meeran, Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner herein challenges the impugned order of detention, dated 27.3.2006, detaining him as "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).

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 was undue delay in disposal of the representation dated 18.4.2006. The learned Additional Public Prosecutor furnished the details which show that the representation was received by the Government on 19.4.2006 and the remarks were called for on 20.4.2006. After reminder dated 10.5.2006, the remarks were received by the Government on 23.5.2006.

Thereafter, the file was dealt with by the Under Secretary and Deputy Secretary on 24.5.2006 and the Minister for Prohibition & Excise passed

an order on the same day. The rejection letter was prepared on 24.5.2006, which was sent to the detenu on 26.5.2006 and served to the detenu

on 3.6.2006.

4. As rightly pointed out by the learned Counsel for petitioner, though the office of the Collector received the intimation from the Government on

21.4.2006, the parawar remarks were called for from the sponsoring authority on 24.4.2006 and the remarks were received from the sponsoring

authority only on 20.5.2006. In the absence of proper explanation by the sponsoring authority for taking such longer time (20.5.2006) for

forwarding the required materials, we are of the view that the delay has prejudiced the detenu in considering his representation. On this ground, the

impugned order of detention is liable to be quashed.

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.