
(2006) 07 MAD CK 0097

In the Madras High Court

Case No : Habeas Corpus Petition No. 257 of 2006

Murugan

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 04-07-2006

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) 07 MAD CK 0097

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

Bench : Division Bench

Advocate : T. Munirathinam Naidu, for V.R. appaswamee, for the Appellant; M. Babu Muthu Meeran, Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner by name Murugan, challenges the impugned order of detention dated 29.01.2005, detaining his wife

Parvathi, 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 delay in considering the representation of the detainee,

which vitiates the ultimate order of detention. With reference to the said claim the learned Additional Public Prosecutor has placed details, which

show that the representation of the detainee dated 22.02.2006 was received by the Government on 23.02.2006 and remarks were called on

24.02.2006, remarks were received on 09.03.2006. After receipt of the remarks, the same was dealt with by the Under Secretary and the Deputy Secretary on 10.03.2006; order was passed by the Minister for Prohibition and Excise on 13.03.2006, rejection letter was prepared on 15.03.2006; the same was sent to the detainee on 16.03.2006 and the rejection letter was served on the detainee only on 18.03.2006. As rightly pointed out though the remarks were called for from the Sponsoring authority on 27.02.2006, there is no explanation or reason for not forwarding the same to the Government till 02.03.2006. In the absence of any explanation, we hold that there is a delay between 27.02.2006 and 02.03.2006. On this ground, the impugned detention order is quashed; accordingly, this petition is allowed. The order of detention impugned in the petition is set aside and the detainee is directed to be set at liberty forthwith from the custody unless she is required in connection with any other case.