

(2006) 06 MAD CK 0148

In the Madras High Court

Case No : Habeas Corpus Petition No. 223 of 2006

N. Savithiri

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 13-06-2006

Acts Referred:

Citation : (2006) 06 MAD CK 0148

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

Bench : Division Bench

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

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner is the mother of detenu by name Kumaran, who was detained as a ""Bootlegger"" under Tamil Nadu Act

14 of 1982 by the impugned detention order dated 29.11.2005, 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 detenu, 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 detenu dated 3 0.12.2005 was received by the Government on 04.01.2006 and remarks were called for on

05.01.2006. Thereafter, the remarks were received by the Government on 13.01.2006 and the File was submitted on 16.01.20 06 and the same

was dealt with by the Under Secretary and the Deputy Secretary on the same day i.e. on 16.01.2006 and finally, the Minister for Prohibition and

Excise passed orders on 17.01.2006. The rejection letter was prepared on 30.01.2006 and the same was sent to the detenu on 30.1.2006 and

served to him on 31.01.2006. As rightly pointed out by the learned Counsel for the petitioner, though the Minister for Prohibition and Excise

passed an order on 17.01.2006, there is no explanation at all for taking time for preparation of rejection letter till 30.01.2006. 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 preparation of

rejection letter is on the higher side and we hold that the said delay has prejudiced the detenu in disposal of his 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 detenu is directed to be set at liberty

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