

(2006) 04 MAD CK 0155
In the Madras High Court
Case No : HCP No. 94 of 2006

Palanisamy

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 0155

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

Bench : Division Bench

Advocate : P. Venkatasubramanian, for C. Ramkumar, for the Appellant; Abudukumar Rajarathinam, Government Advocate (Crl.), for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner by name Palanisamy, challenges the impugned order of detention dated 16.01.2006, detaining his brother

Subramani @ Kaanaan, 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 21.01.2006 was received by the Government on 24.01.2006 and remarks were called on

25.01.2006, reminder was sent on 0 remarks were received on 07.02.2006. After receipt of the remarks, the same was dealt with by the Under

Secretary and the Deputy Secretary on 08.02.2006; order was passed by the Minister for Prohibition and Excise on 10.02.2006, rejection letter

was prepared on 17.02.2006; the same was sent to the detenu on the same day itself and the rejection letter was served on the detenu on

20.02.2006. As rightly pointed out though the concerned Minister has passed an order on 10.02.2006, there is no explanation or reason for not

forwarding the same to the detenu till 20.02.2006. In the absence of any explanation, we hold that the delay between 10.02.2006 and 20.02.2006

is an error ground, the impugned detention order is vitiated and the same is quashed; accordingly, this petition is allowed. The order of 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.