

(2006) 06 MAD CK 0215

In the Madras High Court

Case No : Habeas Corpus Petition No. 210 of 2006

R. Thamilarasi

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 13-06-2006

Acts Referred:

Citation : (2006) 06 MAD CK 0215

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

Bench : Division Bench

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

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner challenges the detention order dated 13.02.2006, detaining her son by name Nelichan @ Mayakannan 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.

2. At the foremost, learned Counsel for the petitioner submitted that there was inordinate delay in disposal of the representation of the detenu.

3. The particulars furnished by the learned Government Advocate show that the representation of the detenu was received by the Government on

23.02.2006, remarks were called for on 24.02.2006 and the same were received from the Sponsoring Authority on 07.03.2006. Thereafter, File

was dealt with by the Under Secretary and Deputy Secretary on 09.03.2006. Finally, the Minister for Prohibition and Excise passed orders on

10.03.2006. However, the rejection letter was prepared only on 15.03.2006. The said letter was sent to the Central Prison for service on

16.03.2006 and served to the detenu on 20.03.2006.

4. As rightly pointed out by the learned Counsel for the petitioner, though the competent authority, viz., Minister for Prohibition and Excise, passed

orders on 10.03.2006, there is no reason for taking time till 15.03.2006 for preparation of the rejection letter. In the absence of proper

explanation, even if we exclude the intervening holidays on Saturday and Sunday, we hold that the delay is on the higher side, which caused

prejudice to the detenu in considering his representation effectively. On this ground, the impugned order of detention is quashed.

5. 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.