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**(2006) 06 MAD CK 0150**

**In the Madras High Court**

**Case No : Habeas Corpus Petition No. 226 of 2006**

Sarasu @ Saraswathi

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

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**Date of Decision :** 13-06-2006

**Acts Referred:**

**Citation :** (2006) 06 MAD CK 0150

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

**Bench :** Division Bench

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

**Final Decision :** Allowed

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## **Judgement**

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

Act 14 of 1982 by the impugned detention order dated 06.02.2006, 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 2 7.02.2006 was received by the Government on 01.03.2006 and remarks were called for on

02.03.2006 and a reminder was sent on 10.3.2006. Thereafter, the remarks were received by the Government on 13.03.2006 and the File was

submitted on 13.03.2006 and the same was dealt with by the Under Secretary and the Deputy Secretary on 14.03.2006 and finally, the Minister

for Prohibition and Excise passed orders on 15.03 .2006. The rejection letter was prepared on 27.03.2006 and the same was sent to the detenu

on 28.3.2006 and served to him on 30.03.2006. As rightly pointed out by the learned Counsel for the petitioner, though the Minister for

Prohibition and Excise passed an order on 15 .03.2006, there is no explanation at all for taking time for preparation of rejection letter till

27.03.2006. 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.