
(2006) 06 MAD CK 0122

In the Madras High Court

Case No : Habeas Corpus Petition No. 311 of 2006

Saroja

APPELLANT

Vs

The District Collector and District Magistrate and The
Secretary to Government, Prohibition and Excise Department

RESPONDENT

Date of Decision : 21-06-2006

Acts Referred:

Citation : (2006) 06 MAD CK 0122

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

Bench : Division Bench

**Advocate : A.E. Lakshmi Narayanan, 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 15.02.2006, detaining her son by name Ravikumar 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.

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

The particulars furnished by the learned Additional Public Prosecutor show that the representation of the detenu was received by the Government

on 24.03.2006, remarks were called for on 27.03.2006 and the same were received from the Sponsoring Authority on 30.03.2006. Thereafter,

File was dealt with by the Under Secretary and Deputy Secretary on 31.03.2006. Finally, the Minister for Prohibition and Excise passed orders

on 03.04.2006. However, the rejection letter was prepared only on 10.04.2006. The said letter was sent to the Central Prison for service on

12.04.2006 and served to the detenu on 16.04.2006.

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 03.04.2006, there is no reason for taking time till 10.04.2006 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.