
(2006) 02 MAD CK 0057
In the Madras High Court
Case No : HCP No. 1180 of 2005

Shankar

APPELLANT

Vs

The State of Tamilnadu

RESPONDENT

Date of Decision : 24-02-2006

Acts Referred:

Citation : (2006) 02 MAD CK 0057

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

Bench : Division Bench

Advocate : I. Paul Noble Devakumar, for the Appellant; Abudu Kumar Rajarathinam, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner is the husband of the detenue by name Shanthi. He challenges the impugned order of detention, dated

07.07.2005, detaining his wife 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 Government Advocate 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 detenue.

The particulars furnished by the learned Government Advocate show that the representation of the detenue dated 09.08.2005 was received by the

Government on 11.08.2005, remarks were called for on 12.08.2005 and the same were received on 22.08.2005. Thereafter, the File was dealt

with by the Under Secretary and Deputy Secretary on 25.08.2005. Finally, the Minister for Prohibition and Excise passed orders on 29.08.2005.

However, the rejection letter was prepared only on 02.09.2005. The said letter was sent to the Prison for service on 05.09.2005 and served to the detenue on 08.09.2005.

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 29.08.2005, there is no reason for taking time till 02.09.2005 for preparation of the rejection letter. In the absence of proper explanation, we hold that the delay is on the higher side, which caused prejudice to the detenue in considering her 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 quashed. The detenue is directed to be set at liberty forthwith from the custody unless she is required in some other case or cause.