

(2006) 04 MAD CK 0165

In the Madras High Court

Case No : Habeas Corpus Petition No. 82 of 2006

Smt. Saradham

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 0165

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

Bench : Division Bench

Advocate : S. Kamadevan, for the Appellant; Abudukumar Rajarathinam, Government Advocate (Crl.), for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner by name Saradham, challenges the impugned order of detention dated 31.10.2005, detaining her son

Vebhushanan, 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 10.01.2006 was received by the Government on 13.01.2006 and remarks were called on

16.01.2006, remarks were received on 27.01.2006. After receipt of the remarks, the same was dealt with by the Under Secretary and the Deputy Secretary on 30.01.2006; order was passed by the Minister for Prohibition and Excise on 31.01.2006, rejection letter was prepared on 07.02.2006; the same was sent to the detenu on 08.02 .2006 and the rejection letter was served on the detenu on 11.02.2006 . As rightly pointed out though the concerned Minister has passed an order on 31.01.2006, there is no explanation or reason for not forwarding the same to the detenu till 11.02.2006. In the absence of any explanation, we hold that the delay between 31.01.2006 and 11.02.200 6 is enormous. On this ground, the impugned detention order is vitiated and the same is quashed; accordingly, this petition is allowed. The order of detention 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.