

(2006) 10 MAD CK 0084

In the Madras High Court

Case No : Habeas Corpus Petition No. 862 of 2006

Subburu @ Subiramani

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 25-10-2006

Acts Referred:

Citation : (2006) 10 MAD CK 0084

Hon'ble Judges : S. Tamilvanan, J;P. Sathasivam, J

Bench : Division Bench

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

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, by name Subburu @ Subiramani, who is detained as a ""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), by the impugned detention order dated 31.07.2006, 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 17.08.2006 was received by the

Government on 21.08.2006 and the remarks were called for on 22.08.2006 and the representation of the detenu was received from the Government on 23.08.2006 and the parawar remarks were called for from the Sponsoring authority on 24.08.2006 and the remarks were received from the sponsoring authority on 07.09.2006. Thereafter, the remarks were received by the Government on 13.09.2006 and the File was submitted on the same day i.e. on 13.09.2006 and the same was dealt with by the Under Secretary on 14.09.2006 and by the Deputy Secretary on 15.09.2006 and finally, the Minister for Prohibition and Excise passed orders on the same day i.e. on 15.09.2006. The rejection letter was prepared on 18.09.2006 and the same was sent to the detenu on 19.09.2006 and served to him on 22.09.2006. As rightly pointed out by the learned Counsel for the petitioner, though parawar remarks were called for from the sponsoring authority on 24.08.2006, the remarks were received from the sponsoring authority by the Collectorate only on 07.09.2006 and there is no explanation at all for sending the remarks to the Collectorate belatedly. 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 sending the remarks to the Collectorate 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.