

**(2006) 04 MAD CK 0055**

**In the Madras High Court**

**Case No :** Habeas Corpus Petition No. 180 of 2006

Valli

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

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**Date of Decision :** 24-04-2006

**Acts Referred:**

**Citation :** (2006) 04 MAD CK 0055

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

**Bench :** Division Bench

**Advocate :** P. Mathivanan, for the Appellant; Abudhukumar Rajarathinam, Government Advocate, for the Respondent

**Final Decision :** Allowed

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## **Judgement**

P. Sathasivam, J.—The petitioner, who is the wife of the detenu by name Ammasi, who was 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 15.12.2005, challenges the same in this Petition.

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 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 Government Advocate has placed the details, which show that

the representation of the detenu dated 15.12.2005 was received by the

Government on 19.12.2005 and remarks were called for on 20.12.2005.

Thereafter, the remarks were received by the Government on 03.01.2006 and the File was submitted on 04.01.2006 and the same was dealt with

by the Under Secretary and the Deputy Secretary on 05.01.2006 and finally, the Minister for Prohibition and Excise passed orders on

06.01.2006. The rejection letter was prepared on 13.01.2006 and the same was sent to the detenu on 17.01.2006 and served to him on

19.01.2006. As rightly pointed out by the learned Counsel for the petitioner, though the Minister for Prohibition and Excise passed an order on

06.01.2006, there is no explanation at all for taking time for preparation of rejection letter till 13.01.2006. 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.