

(2006) 02 MAD CK 0079
In the Madras High Court
Case No : H.C.P. No. 1216 of 2005

Vasanth

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 28-02-2006

Acts Referred:

Citation : (2006) 02 MAD CK 0079

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

Bench : Division Bench

Advocate : UM. Ravichandran, for the Appellant; M.K. Subramanian, Government Advocate (Crl.Side), for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, who is the wife of the detenu by name Arumugam, 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 10.10.2005, 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 22.10.2005 was received by the

Government on 26.10.2005 and remarks were called for on 28.10.2005.

The said representation was received by the Collectorate on 28.10.2005 and the parawar remarks were called for from the Sponsoring authority

on 02.11.2005 and the remarks were received from the sponsoring authority on 23.11.2005 and the report was sent to the Government on

24.11.2005. The remarks were received by the Government on 25.11.2005. Thereafter, the File was submitted on the same date i.e. on

25.11.2005 and the same was dealt with by the Under Secretary and Deputy Secretary on the same date and finally, the Minister for Prohibition

and Excise passed orders on 28.11.2005. The rejection letter was prepared on 07.12.2005 and the same was sent to the detenu on 09.12.2005

and served to him on 12.12.2005. As rightly pointed out by the learned counsel for the petitioner, though the parawar remarks were called for

from the sponsoring authority on 02 .11.2005, the remarks were received from the sponsoring authority by the Collectorate only on 23.11.2005

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,

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.