
(2006) 01 MAD CK 0158

Madras High Court

Case No: HCP. No. 999 of 2005

Arumugam

APPELLANT

Vs

The State of Tamil
Nadu

RESPONDENT

Date of Decision: Jan. 20, 2006

Hon'ble Judges: P. Sathasivam, J; N. Paul Vasanthakumar, J

Bench: Division Bench

Advocate: V. Muthukumarasamy, for the Appellant; M.K. Subramanian, Government Advocate,
for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

P. Sathasivam, J.

The petitioner, who is detained as "Goonda" 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 01.03.2005, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Government Advocate for the respondents.

3. Learned counsel appearing for the petitioner, by drawing our attention to the Special Report (dt. 23.02.05) of the Inspector of Police, M.K.B. Nagar Police Station, Chennai, which finds place at page No. 95 of the Booklet, would submit that in view of the fact that the detention order was passed only on 01.03.2005, the reference made therein leads to an inference that the detenu was detained even on 23.02.2005. According to the learned counsel, this aspect has not been considered by the Detaining Authority.

4. We verified the Special Report dated 23.02.2005. A reading of the entire report, as rightly pointed out by the learned Government Advocate, shows that the detenu was arrested on 20.02.2005 and he was produced before the 5th Metropolitan Magistrate, Egmore, Chennai-8, on the same day and he was remanded till 04.03.2005. Based on the said order, he was put in the Central Prison, Chennai. In such circumstances, we are unable to accept the contention raised by the learned counsel for the petitioner.

5. According to the counsel for petitioner, there is a delay in disposal of the representation of the detenu.

6. The particulars furnished by the learned Government Advocate show that the representation was received by the Government on 02.08.2005 , remarks were called for on 03.08.2005 and the same were received on 08.08.2005. Thereafter, the File was dealt with by the Under Secretary and Deputy Secretary on 09.08.2005. Finally, the Minister for Prohibition and Excise passed orders on 10.08.2005. The rejection letter was prepared on 12.08.2005 and sent to the detenu on 16.08.2005 and served to him on 17.08.2005. If we exclude the intervening holidays, we are of the view that there is no inordinate delay as claimed by the learned counsel for the petitioner.

7. We do not find any valid ground for interference. Habeas Corpus Petition fails and the same is dismissed.