

(2006) 03 MAD CK 0154

Madras High Court

Case No: HCP No. 1318 of 2005

Chandran Gounder

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision: March 20, 2006

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

Bench: Division Bench

Advocate: U.M. Ravichandran, for the Appellant; Abudhukumar Rajarathinam,
Government Advocate, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

P. Sathasivam, J.

The petitioner, who is the father of the detenu by name Bala alias Balasubramani, who was detained as a ""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 24.11.2005, 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 there presentation of the detenu was received by the Government on 05.01.2006 and remarks were called for on the same day, viz., 05.01.2006. Thereafter, the remarks were received by the Government on 17.01.2006 and the File was submitted on 18.01.2006 and the same was dealt with by the Under Secretary and Deputy Secretary on the same date i.e.

on 18.01.2006 and finally, the Minister for Prohibition and Excise passed orders on 19.01.2006. There junction letter was prepared on 30.01.2006 and the same was sent to the detenu on 31.01.2006 and served to him on 02.02.2006. As rightly pointed out by the learned counsel for the petitioner, though the Minister for Prohibition and Excise passed an order on 19.01.2006, there is no explanation at all for taking time for preparation of rejection letter till 30.01.2006. 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.