



(Order of the Court was made by P.SATHASIVAM,J.) The petitioner, who is the brother of the detainee by name Saratha, 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 27.02.2006, 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 detainee, 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 detainee dated 04.04.2006 was received by the Government on 06.04.2006 and remarks were called for on 07.04.2006 and the remarks were received by the Government on 17.04.2006 and the File was submitted on 20.04.2006 and the same was dealt with by the Under Secretary on the same day i.e. on 20.04.2006 and by the Deputy Secretary on 21.04.2006 and finally, the Minister for Prohibition and Excise passed orders on the same day i.e. on 21.04.2006. The rejection letter was prepared on 10.05.2006 and the same was sent to the detainee on 12.05.2006 and served to him on 16.05.2006. As rightly pointed out by the learned counsel for the petitioner, though the Minister for Prohibition and Excise passed an order on 21.04.2006, there is no explanation at all for taking time for preparation of rejection letter till 10.05.2006. 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 detainee in disposal of her 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 detainee is directed to be set at liberty forthwith from the custody unless she is required in some other case or cause.

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1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai-600 009.

2. The District Magistrate and District Collector, Kancheepuram District Kancheepuram.

3. The Superintendent, Special Prison for Women, Vellore. (In duplicate for communication to detainee)

4. The Joint Secretary to Government, Public (Law and Order) Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

