



H.C.P.(MD) No.1517 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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P.Sahana

... Petitioner / Daughter of the Detenu

Vs.

1.The State Rep. by,
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai- 9.

2.The Commissioner of Police,
Madurai City, Madurai.

3.The Superintendent,
Special Prison for Women,
Madurai.

4.The Inspector of Police,
Thiruppalai Police Station,
Madurai City.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Habeas Corpus, calling for the entire records connected with



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the detention order of the 2nd respondent in No.43/BCDFGISSSV/2022, dated 22.06.2022 branding the petitioner's mother / detinue by name Prasanna Devi, Wife of Devarajan, aged about 35 years as “Immoral Traffic Offender”, who is now confined in Special Prison for Women, Madurai and quash the impugned order of detention and set her at liberty by producing her before this Court.

For Petitioner : Mr.T.J.Ebenezer Charles

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner is the daughter of the detinue, namely, Prasanna Devi, W/o.Devarajan, aged about 35 years. The detinue has been detained by the 2nd respondent by his proceedings in No.43/BCDFGISSSV/2022, dated 22.06.2022, holding her to be a "Immoral Traffic Offender", as contemplated under Section 2(g) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.



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3. Though the learned counsel for the petitioner raised a ground that there were three accused, out of which only against the present detainee, Act 14 of 1982 has been slapped and therefore, that kind of pick and choose method adopted by the detaining authority would vitiate the order of detention, we are not impressed with the said submission made by the learned counsel for the petitioner. We have gone through the impugned detention order as well as the grounds of detention. Therefore, we are satisfied that the detaining authority having subjective satisfaction has passed the order, which is impugned herein. Therefore, it does not require any interference by this Court. Hence, this Habeas Corpus Petition stands dismissed.

(R.S.K., J.) & (K.K.R.K, J.)

21.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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AND

K.K.RAMAKRISHNAN, J.

MYR

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai- 9.
- 2.The Commissioner of Police,
Madurai City, Madurai.
- 3.The Superintendent,
Special Prison for Women,
Madurai.
- 4.The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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