



HCP.No.1159 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1159 of 2024

Alamelu

... Petitioner

Vs.

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. District Collector and District Magistrate of
Ranipet District,
Ranipet - 1.
3. The Superintendent of Police,
Ranipet District, Ranipet.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Rathinagiri Police Station,
Ranipet District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Habeas Corpus, to call for the records in connection with the



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order of detention passed by the second respondent dated 08.05.2024 in B3/D.O.No.31/2024 against the petitioner Son Kannadasan, Male aged 27 years s/o. Veeramuthu, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenue before this Court and set his at liberty.

For Petitioner : Mr.D.Balaji

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The order of detention dated 08.05.2024 is sought to be assailed in the present habeas corpus petition.

2. The detenue was arrested on 03.04.2024, but the impugned order of detention was issued on 08.05.2024 by the District Magistrate and District Collector, Ranipet District.



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3. Two cases are relied upon for issuance of detention order impugned. Those cases are registered under the Tamil Nadu Prohibition Act.

There is no other criminal case has been referred for forming an opinion that the detenue is a "Goonda" within the definition of Act 14 of 1982. Subjective satisfaction of the detaining Authority is of paramount importance. Classifying a person as "Goonda" by depriving his personal liberty as enshrined under Article 21 must be the extreme step and cannot be exercised in a routine manner.

4. In the present case, there is a delay of more than one month in passing the order of detention from the date of arrest. Such delay would be sufficient to draw an inference that the Authority issued the impugned order of detention has not applied mind. The preventive laws are not punitive in nature but preventive. Such prevention is to be made with extreme caution. In the present case, the delay in passing the detention order is vital. More-so, the criminal cases registered against the detenue relied on for issuance of detention order would be insufficient to form an opinion that the detenue is necessarily to be termed as "Goonda". Thus, we are inclined to interfere.



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5. Accordingly, the impugned order of detention in proceedings

B3/D.O.No.31/2024 dated 08.05.2024 is quashed and the habeas corpus petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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WEB COPY

To

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5. The Inspector of Police,
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6. The Additional Public Prosecutor,
High Court of Madras.



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AND
V.SIVAGNANAM, J.

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