



WEB COPY



HCP.No.1168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

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

H.C.P.No.1168 of 2024

Tamilselvi

... Petitioner

Vs.

1.The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The 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 entire records, relating to the order of detention passed by the 2nd respondent dated 08.05.2024 in B3/D.O.No.32/2024 against the petitioner Son Ayyappan, Male aged 21 years S/o.Sakthivel, who is confined at Central Prison, Vellore and set aside the same and direct the



HCP.No.1168 of 2024

respondents to produce the detainee before this Court and set him 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 was passed by the District Collector and District Magistrate, Ranipet District in proceedings No. B3/D.O.No.32/2024, dated 08.05.2024.

2.Two adverse cases are relied on, for the purpose of classifying the detainee as 'Goonda' under the Act 14 of 1982. The first case in Crime No.261 of 2022 was registered under Section 393 of IPC. The second case in Crime No.570 of 2022 was registered under NDPS Act. Both the cases were registered in the year 2022.

3.On perusal of the nature of the alleged offences, the Court could form an opinion that it is insufficient to invoke provisions of Act 14 of 1982.

4.Pertinently, the detainee was arrested on 31.03.2024, but the impugned



HCP.No.1168 of 2024

detention order has been issued on 08.05.2024, after a lapse of two months, which would be sufficient to draw an inference that the Authority failed to apply their mind for the purpose of invoking provision under Act 14 of 1982.

5. Accordingly, the impugned order of detention passed by the 2nd respondent in proceedings No. B3/D.O.No.32/2024, dated 08.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

07.08.2024

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

gd



WEB COPY



HCP.No.1168 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

gd

To

- 1.The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The 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.

H.C.P.No.1168 of 2024

07.08.2024