



WEB COPY



HCP.No.1220 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.1220 of 2024

Deivanai

... Petitioner

Vs.

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

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

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Inspector of Police,
C-4, Veeranam Police Station,
Salem City,
Salem.
Crime No.546/2024.

... 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 order dated 08.05.2024 passed by the 2nd respondent in C.M.P.No.44/Goonda/Salem



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City/2024 and quash the same and direct the respondents herein to produce the petitioner's son namely Sathishkumar @Sathish, son of Chinnakannu, aged about 36 years, Earikadu, Pallipatti, Salem, who is presently under 36 years, Earikadu, Pallipatti, Salem, who is presently under going detention in Central Prison, Salem, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Kannan Kumar

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 passed by the 2nd respondent in proceedings C.M.P.No.44/Goonda/Salem City/2024 dated 08.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.Curiously, the impugned detention order refer no adverse case against the detenue.

3.The learned counsel for the petitioner would submit that, the detenue is an agricultural coolie and he has been detained under Act 14 of 1982 without any valid reasons. The order of detention has not been served to the detenue or to his relatives.



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4.Pertinently, the detainee was arrested on 01.04.2024 and the detention order was issued on 08.05.2024, after a lapse of one month.

5.The perusal of the detention order would reveal that, the facts and the reasons stated are insufficient to invoke the provisions of Act 14 of 1982. The essential requirement of likelihood of causing breach of public order has not been established.

6.Thus, the impugned order of detention passed by the 2nd respondent in proceedings in C.M.P.No.44/Goonda/Salem City/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

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

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To

- 1.The Additional Chief Secretary to Government,
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