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HCP.No.1337 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

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

H.C.P.No.1337 of 2024

Divya

... Petitioner

Vs.

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

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.

3.The Superintendent of Police,
Central Prison, Puzhal.

4.The State rep by,
The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai.
Crime No.344 of 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 detention order passed by the 2nd respondent pertaining to the order made in No.535/BCDFGISSSV/2024 dated on 18.05.2024 in detain the detainee under



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2(f) of Tamil Nadu of 1982 as a Drug Offender and quash the same and direct the respondent to produce the detenu Mohamed Masood Moideen, son of Mohamed Sulthan Moideen Muslim, male aged about 33 years, who is detained at Central Prison, Puzhal at Chennai before this Court and set him at Liberty.

For Petitioner : Mr.P.Sundara Rajan

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

ORDER

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

The petitioner herein is the son of the detenu viz., Mohamed Masood Moideen, son of Mohamed Sulthan Moideen Muslim, male aged about 33 years, who is detained at Central Prison, Puzhal at Chennai, has come forward with this petition challenging the detention order passed by the second respondent in No.535/BCDFGISSSV/2024 dated on 18.05.2024.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner would rely on the order passed by the Principal Sub Judge, Sub Court for EC and NDPS Cases, Chennai, which



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reveals that there is no previous case against the petitioner.

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4. In the absence of any previous case and when the ground case is also insufficient to form an opinion that there is a likelihood of causing breach of public order, invocation of Tamil Nadu Act 14 of 1982 become unnecessary.

5. Therefore, the detention order passed by the second respondent in No.535/BCDFGISSSV/2024 dated on 18.05.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Mohamed Masood Moideen, son of Mohamed Sulthan Moideen Muslim, male aged about 33 years, who is detained at Central Prison, Puzhal at Chennai, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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

gd

To

- 1.The Secretary to Government,
1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.
- 3.The Superintendent of Police,
Central Prison, Puzhal.
- 4.The State rep by,
The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai.
- 5.The Joint Secretary to Government
Public (Law and Order),
Fort ST.George, Chennai – 9.
- 6.The Public Prosecutor,
Madras High Court.

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