



WEB COPY



HCP.No.1448 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.08.2024

CORAM :

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

H.C.P.No.1448 of 2024

Vanaroja

... Petitioner

Vs.

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai – 9.

2.The District Collector and District Magistrate
of Cuddalore District,
Cuddalore District.

3.The Superintendent of Police,
Cuddalore District.

4.The Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore – 01.

5.The Superintendent of Prison,
Central Prison Cuddalore,
Cuddalore District – 4.

... Respondents



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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 order of detention passed by the second respondent dated 14.05.2024 in C3/D.O./40/2024 against the petitioner's son Balaji son of Dhandapani aged about 23 years who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detinue before this Court and set him at Liberty.

For Petitioner : Mr.S.Siva 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 Memo C3/D.O./40/2024 dated 14.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

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

3.The ground case relied on by the Detaining Authority has been registered in Crime No.106 of 2024 under Sections 435 IPC r/w Section 4 of Tamil Nadu



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Property [Prevention of Damage and Loss] Act, 1992. It is about burning of a vehicle parked outside the house.

4.However, the two adverse cases relied on has no nexus with the ground case, which resulted in non application of mind on the part of the Detaining Authority.

5. Accordingly, the detention order passed by the second respondent, in Memo C3/D.O./40/2024 dated 14.05.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Balaji son of Dhandapani aged about 23 years who is confined at Central Prison, Cuddalore, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

21.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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HCP.No.1448 of 2024

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

gd

To

- 1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai – 9.
- 2.The District Collector and District Magistrate
of Cuddalore District,
Cuddalore District.
- 3.The Superintendent of Police,
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- 4.The Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore – 01.
- 5.The Superintendent of Prison,
Central Prison Cuddalore,
Cuddalore District – 4.
- 6.The Public Prosecutor,
Madras High Court

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21.08.2024