



WEB COPY



HCP.No.1476 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.1476 of 2024

S.Jayaraman

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Prohibition and Excise Department (Home),
Fort St. George,
Chennai - 600 009.
2. The District Collector and District
Magistrate, Mayiladuthurai District,
Mayiladuthurai.
3. The Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.
4. The Superintendent,
Central Prison,
Tiruchirapalli.



HCP.No.1476 of 2024

5. The Inspector of Police,
Prohibition Enforcement Wing,
Mayiladuthurai Taluk,
Mayiladuthurai Dt.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records in C.O.C.No. 17/2024 dated 09.05.2024 passed by the 2nd respondent and quash the same and direct the respondents herein to produce the petitioner's son namely (Thiru J.Pangarukrishnan, aged about 35 years, son of S.Jayaraman), who is now confined in Central Prison, Tiruchirapalli before this court and set him at liberty.

For Petitioner	: Mr.T.Balaji for Mr.A.Thiyagarajan
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 District Collector and District Magistrate, Mayiladuthurai District, Mayiladuthurai in C.O.C.No.17/2024, dated 09.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.No adverse case has been referred in the impugned detention order dated 09.05.2024. On perusal of the facts relating to the ground case, this Court is of the opinion that, it is insufficient to invoke Act 14 of 1982.



HCP.No.1476 of 2024

WEB COPY

3. Pertinently, the detenue was arrested on 06.04.2024 and the impugned order of detention has been issued on 09.05.2024, after a lapse of about one month. Thus, the very requirement of causing element of breach of public order is missing in the impugned order of detention.

4. The apprehension of causing public disorder by the detenue is the mandatory requirement under Act 14 of 1982. When the said element is missing in the impugned order, then the Court have no option, but to assail the order of detention.

5. Accordingly, the impugned order of detention in C.O.C.No. 17/2024, dated 09.05.2024 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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HCP.No.1476 of 2024

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

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To

1. Secretary to Government,
State of Tamil Nadu,
Prohibition and Excise Department (Home),
Fort St. George,
Chennai - 600 009.
2. The District Collector and District
Magistrate, Mayiladuthurai District,
Mayiladuthurai.
3. The Superintendent of Police,
Mayiladuthurai District,
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5. The Inspector of Police,
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