



WEB COPY



HCP.No.1483 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1483 of 2024

Damburu Rout

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 66.
4. The Inspector of Police,
Prohibition Enforcement Wing,
St.Thomas Mount Unit,
Chennai.

... Respondents

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



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order of detention passed by the second respondent dated 10.04.2024 in BCDFGISSSV No.338 of 2024 against the petitioner Damburu Rout, Male aged 30 years, S/o. Ramesh Rout, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at liberty.

For Petitioner : S. Senthilvel

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 BCDFGISSSV No.338 of 2024 dated 10.04.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.No adverse case has been referred in the impugned detention order dated 10.04.2024. 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.

3.Pertinently, the detenue was arrested on 04.03.2024 and the impugned order of detention has been issued on 10.04.2024, after a lapse of



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about one month from the date of arrest. 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 detinue 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.In this present case, the enormous delay between the date of arrest and issuance of the detention order would be sufficient to draw an inference that the detaining Authority has not applied their mind properly for the purpose of invoking Act 14 of 1982.



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6. Accordingly, the impugned order of detention passed by the 2nd respondent in proceedings BCDFGISSSV No.338 of 2024 dated 10.04.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenu viz., Damburu Rout, Male aged 30 years, S/o. Ramesh Rout, who is confined at Central Prison, Puzhal, Chennai 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.]

06.08.2024

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

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To
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2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
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Chennai - 66.
4. The Inspector of Police,
Prohibition Enforcement Wing,
St.Thomas Mount Unit,
Chennai.
5. The Additional Public Prosecutor,
High Court of Madras.



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AND
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