



WEB COPY



HCP.No.1522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

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

H.C.P.No.1522 of 2024

Vijayalaskhmi. V

.... Petitioner

Vs

1 State of Tamilnadu
rep.by the Additional Chief Secretary,
Home, Prohibition and Excise Department ,
Secretariat, Chennai,
Tamilnadu - 600 009.

2 State of Tamil Nadu
rep.by the Commissioner of Police,
Greater Chennai Police,
Tamil Nadu.

3 State of Tamil Nadu
Rep. by the Superintendent of Prisons,
Central Prison, Puzhal
Tamil Nadu.

4 State of Tamil Nadu
Rep.by the Inspector of Police,
M-3 Puzhal Police Station, Tamil Nadu.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention dated 06.05.2024 passed by the 2nd respondent in TPDA 5700 in Memo No.455/BCDFGISSSV/2024 and quash the same and produce the detenu (Vijay S/o. Venkatesan male aged about 25 years) who is detained in Central Prison , Puzhal before this Honble Court and set him at Liberty.

For Petitioner : Mr. Thamizhanban
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 Commissioner of Police, Greater Chennai, Nagapattinam in TPDA 5700 in Memo No.455/ BCDFGISSSV/2024, dated 06.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The detenu was arrested on 24.04.2024 and the impugned detention order has been issued on 06.05.2024.



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3. The learned counsel for the petitioner would contend that the detaining authority has not applied mind in respect of the reasons assigned for issuance of impugned detention order.

4. The order impugned States that the sponsoring authority came to know that the relatives of the detainee Mr.Vijay are taking steps to take him out on bail for M-3 Puzhal Police Station Crime No.278 of 2024 by filing bail application before the appropriate Court.

5. It is contented that no such bail application has been filed before the Court concerned and therefore, based on certain presumptions and assumptions, such a finding is made in the impugned order to detain the detainee under Act 14 of 1982.

6. The irrelevant consideration by the detaining authority is also a ground to revoke the detention order. Moreso, the single adverse case relied on in the order impugned is by M3-Puzhal Police in Crime number 277 of 2024 under sections



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294(b), 323, 324, 506(2) of IPC. The perusal of the records would reveal that the detaining authority has not established any likelihood of causing breach of Public Order warranting an order of detention under Act 14 of 1982.

7.Hence, for the aforesaid reason, the detention order passed by the second respondent in in TPDA 5700 in Memo No.455/ BCDFGISSSV/2024, dated 06.05.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Vijay S/o. Venkatesan male aged about 25 years who is detained in Central Prison, Puzhal, 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.]

12.08.2024

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

To

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



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- 2 The Commissioner of Police,
Greater Chennai Police,
Tamil Nadu.
- 3 The Superintendent of Prisons,
Central Prison, Puzhal
Tamil Nadu.
- 4 The Inspector of Police,
M-3 Puzhal Police Station, Tamil Nadu.



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