



WEB COPY



HCP.No.1558 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

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

H.C.P.No.1558 of 2024

Jaya

.... Petitioner

Vs

- 1.The Government of Tamil Nadu
Rep.by its Addl. Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner of Police,
Greater Chennai, Vepery, Chennai – 07.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai – 600 066.
- 4.Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the proceedings of the 2nd respondent in B.C.D.F.G.I.S.S.S.V.No.635/2024 dated 06.06.2024 against the petitioner's son Veera, male aged about 24, S/o.Muthu and quash the same and



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consequently, direct the respondents herein to produce the detainee who is detained under the Tamil Nadu Act 14 of 1982 currently confined the Central Prison, Puzhal before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. P.Surendran
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The impugned order of detention reveals that one adverse case has been taken into consideration registered by E-4 Abhiramipuram Police Station in crime No.134 of 2024 under Sections 294 b, 397, 506 (ii)IPC.

2.The said case would be insufficient to form an opinion that there is likelihood of breach of public order. The detaining authority is expected to apply mind to form an opinion that there is likelihood of causing breach of public order and in the absences of any such clear finding to that extent, the order of detention cannot be sustained. The involvement of a person in one case relating to individual disputes cannot be a ground to detain a person under Act 14 of 1982. In the present case, the nature of adverse case relied on by the detaining authority would be



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insufficient to arrive at a conclusion that the activities of detainee would cause breach of public order. Thus, the detaining authority has not applied mind with reference to the scope of the Provisions of Act 14 of 1982.

3. Accordingly, the impugned order of detention in B.C.D.F.G.I.S.S.V.No.635/2024 dated 06.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Veera, male aged about 24, S/o.Muthu, confined the Central Prison, Puzhal, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

sli

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

1. The Government of Tamil Nadu
Rep.by its Addl. Chief Secretary to Government,
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Secretariat, Chennai – 600 009.

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



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- 2.The Commissioner of Police,
Greater Chennai, Vepery, Chennai – 07.
- 3.The Superintendent,
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Chennai – 600 066.
- 4.Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai.
5. The Public Prosecutor, High Court, Madras.

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