



WEB COPY



HCP.No.1675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

H.C.P.No.1675 of 2024

Hemavathy

... Petitioner

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The District Collector and District Magistrate of
Vilupuram District, Vilupuram.
3. The Superintendent of Police,
Vilupuram District, Vilupuram.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Roshanai Police Station,
Viluppuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 05.07.2024 in Rc.No. C2/28/2024



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against the petitioner's husband Saranraj Alias Gidangalan, Male, 35 years, S/o Raji, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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 second respondent in Rc.No.C2/28/2024, dated 05.07.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. There is no adverse case relied on by the detaining authority for invoking Act 14 of 1982. The ground case in Crime No.334 of 2024 has been registered under Sections 4 (1-A) & 4 (1) (aaa) of the Tamil Nadu Prohibition Act, 1937. The learned Additional Public Prosecutor would submit that the detenu has involved in some other criminal cases also.



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3.Perusal of the report submitted by the Inspector of Police reveals that those cases are very old cases and registered in the years 2009, 2010, 2012, 2015, 2017, 2018, 2020, 2021, etc. Most of these cases have no close proximity with the ground case and therefore, the reasons to believe arrived at by the detaining authority have no nexus with the likelihood of causing breach of public order, which is a requirement contemplated for invoking the preventive detention law. Nexus between the relied on cases or previous cases would be necessary for the purpose of detaining a person under preventive detention law. The preventive detention law being rigid and would cause infringement of personal liberty, which is a fundamental right under Article 21 of the Constitution of India, the authority must have subjective satisfaction and such satisfaction must be based on the materials available on record. Merely based on one ground case registered under the Prohibition Act, invoking the preventive detention law becomes unnecessary and we are inclined to interfere with the impugned detention order.

4.Thus, the impugned order of detention in Rc.No.C2/28/2024, dated 05.07.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Saranraj Alias Gidangalan, Male, 35 years, S/o Raji, who is confined at Central Prison, Cuddalore, is directed to be set at liberty forthwith



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unless he is otherwise required in connection with any other case.

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[S.M.S., J.]

[N.S., J.]

29.08.2024

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

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5. The Inspector of Police,
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Viluppuram District.
6. The Public Prosecutor,
High Court, Madras.

S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.

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