



WEB COPY



HCP.No.1759 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.1759 of 2024

Valarmathi

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai-600 054.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
E1 Mylapore Police Station,
Chennai Dt.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the records in connection with the order of detention passed by the 2nd respondent dated 09.05.2024 in BCDFGISSSV No.469/2024 against the petitioner's son Yogesh, S/o. Dhanasekar, aged about 25 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before this court and set him at liberty.

For Petitioner	: Mr.S.Chandrasekar
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, Office of the Commissioner of Police, Veperiy, Chennai in BCDFGISSSV No.469/2024, dated 09.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.One adverse case in Crime No.100 of 2023 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



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3.Pertinently, the detainee was arrested on 07.04.2024 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 detainee 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 proceedings No. BCDFGISSSV No.469/2024, 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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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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To

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