



HCP.No.1841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

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

**H.C.P.No.1841 of 2024**

Kowsalya

...Petitioner /wife of the detenue

Vs

- 1 State of Tamil Nadu,  
Rep. By the Secretary,  
Home Prohibition And Excise Department,  
Fort St. George, Chennai 600 009.
- 2 The District Magistrate and District Collector,  
Namakkal,  
Namakkal District.
- 3 The Superintendent of Police  
Namakkal,  
Namakkal District.
- 4 The Superintendent of Prison ,  
Central Prison,  
Salem,  
Salem District.



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5 The Inspector of Police  
Molasi Police Station,  
Namakkal District.

.... Respondents

**PRAYER:** Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the entire records relating to the detention order passed in C.M.P.No.37/ GOONDA/2024(M1) dated 08.07.2024 by the 2nd respondent and quash the same and direct the respondents herein to produce my husband namely Mr. Aravinthan s/o. Balakrishnan, aged about 29 years, who is presently under going detention in the Central Prison, Salem, before this Hon'ble court and set him at liberty.

For Petitioner : Mr. C. Nandha Kumar

For Respondents : Mr.E. Raj Thilak  
Additional Public Prosecutor

### **ORDER**

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

The order of detention passed by the District Collector and District Magistrate, Kancheepuram, in C.M.P.No.37/GOONDA/2024(M1) dated 08.07.2024, is sought to be quashed in the present Habeas Corpus Petition.



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2. Based on the ground case alone, the impugned detention order has been issued. There is no adverse case against the detainee. The ground case was registered in Crime No.62 of 2024 under Section 328 of IPC r/w. 24(1) of Cigarette and other Tobacco Products Act 2003.

3. The learned counsel for the petitioner would submit that the detainee is a owner cum driver of a van. Except ground case, there is no other adverse case registered against the detainee. Thus, the police may prosecute the detainee under the law of the Act. However, the ground case relied on by the Detaining Authority would be insufficient for the purpose of invoking Section 14 of the Act.

4. The above said fact would be sufficient to draw an inference that the detaining authority has failed to apply their mind for the purpose of issuing the impugned order under Act 14 of 1982.



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5. Hence, for the aforesaid reason, the detention order passed by the second respondent in C.M.P.No.37/GOONDA/2024(M1) dated 08.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, Mr. Aravinthan s/o. Balakrishnan, aged about 29 years, now confined at Central Prison, Salem, 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.]

30.08.2024

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

To

1. The Secretary,  
Home Prohibition and Excise Department,  
Fort St. George, Chennai 600 009.
- 2 The District Magistrate and District Collector,  
Namakkal,  
Namakkal District.
- 3 The Superintendent of Police  
Namakkal,  
Namakkal District.



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- 4 The Superintendent of Prison ,  
Central Prison,  
Salem,  
Salem District.
- 5 The Inspector of Police  
Molasi Police Station,  
Namakkal District.
6. The Joint Secretary to Government,  
Public ( Law & Order),  
Fort St. George, Chennai.
7. The Public Prosecutor,  
High Court, Madras.



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

mrp

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**30.08.2024**