



WEB COPY



HCP.No.1876 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

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

H.C.P.No.1876 of 2024

Syed Habibullah

.... Petitioner

Vs

1.The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George, Chennai.

2. The Commissioner Of Police,
Greater Chennai.

3 The Superintendent,
Central Prison, Puzhal, Chennai – 66.

4 The Inspector Of Police,
D-3, Ice House 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 relation to the impugned order 550/BCDFGISSSV/2024 dated 21.05.2024 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the petitioner's



HCP.No.1876 of 2024

son, namely, Syed Mushtaq Basha s/o. Syed Habibullah, aged about 30 years, now confined at Central Prison, Puzhal, Chennai, before this court set him at liberty.

For Petitioner : Mr.G.Vinodhkumar

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 second respondent in 550/BCDFGISSSV/2024 dated 21.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. Page Nos.9 and 11 in Volume 2 served to the detinue is illegible, which resulted in causing prejudice to the detinue. Therefore, deprived the detinue from making effective representation. That apart, the element of likelihood of causing breach of public order has not been sufficiently made out.

3. Accordingly, the impugned order of detention in 550/BCDFGISSSV/2024 dated 21.05.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detinue, namely, Syed Mushtaq Basha s/o. Syed Habibullah,



HCP.No.1876 of 2024

aged about 30 years, now confined at Central Prison, Puzhal, Chennai, 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.]

28.08.2024

sli

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

To

1. The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George, Chennai.
2. The Commissioner Of Police,
Greater Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai – 66.
4. The Inspector Of Police,
D-3, Ice House Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

S.M.SUBRAMANIAM, J.



WEB COPY



HCP.No.1876 of 2024

AND
V.SIVAGNANAM, J.

sli

H.C.P.No.1876 of 2024

28.08.2024