



HCP.No.1996 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1996 of 2024

Hariharan

... Petitioner/Son
of the Detenue

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Tiruvarur District, Tiruvarur.
3. The Superintendent of Police,
Tiruvarur District, Tiruvarur.
4. The Superintendent,
Central Prison, Tiruchirappalli,
Tiruchirappalli.
5. The State represented by
The Inspector of Police,
PEW Police Station Tiruvarur,
Tiruvarur.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in C.O.C.No.15/2024 dated 11.07.2024 on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondents to produce the petitioner's father Rameshkumar, aged about 58, S/o. Vaithiyanathan, who now detained in Central Prison at Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.M.Selvam

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

ORDER

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

The preventive detention order passed by the second respondent dated 11.07.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned Counsel for the petitioner as well the learned Additional Public Prosecutor.



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3. Four cases are relied on for the purpose of issuance of the impugned detention order under Act 14 of 1982.

4. The first relied on case was registered on 13.10.2019 and the second relied on case was registered on 13.12.2022. Both are stale cases and there is no proximity with the ground case. The third and fourth cases were registered in the year 2023.

5. Looking into the fact that stale cases are relied on for the purpose of issuance of detention order, this Court could able to form an opinion that the Detaining Authority failed to apply their mind for invoking the preventive detention laws.

6. For the aforesaid reasons, the detention order passed by the second respondent in proceedings C.O.C.No.15/2024 dated 11.07.2024 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Rameshkumar, Male, aged 58/2024, S/o.Vaithiyanathan is directed to



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be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.] [V.S.G., J.]
05.09.2024

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



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To

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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The District Collector and District Magistrate,
Tiruvarur District, Tiruvarur.
4. The Superintendent of Police,
Tiruvarur District, Tiruvarur.
5. The Superintendent,
Central Prison, Tiruchirappalli,
Tiruchirappalli.
6. The State represented by
The Inspector of Police,
PEW Police Station Tiruvarur,
Tiruvarur.
7. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
V.SIVAGNANAM, J.

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