



HCP.No.2018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2018 of 2024

Jayamma

... Petitioner

Vs.

1. State of Tamil Nadu,
Represented by the Additional Chief Secretary
to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai Police Commissioner,
The Commissioner Office,
Vepery, Chennai - 7.
3. The Superintendent of Police,
Central Prison,
Puzhal,
Chennai - 66.



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4. The Inspector of Police,
G1-Vepery Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the detention order in Memo No.646/BCDFGISSSV/2024 dated 08.06.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Nagendran S/o. Ravaniaiah the detinue now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Nagendran S/o. Ravaniaiah aged about 29 years the detinue herein at liberty.

For Petitioner	: Mr.N.Naresh
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 dated 08.06.2024 passed by the second respondent is sought to be quashed in the present habeas corpus petition.



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2. The ground raised by the petitioner is that in a similar case relied on by the detaining Authority in Crime No.568/2018, the accused therein was charged under Section 302 of Indian Penal Code.

3. Non-mentioning of the relevant provisions of IPC resulted in causing prejudice to the detenu. More-so, based on the ground case alone preventive detention law has been invoked. The Authority competent must establish that there is likelihood of causing breach of public order.

4. Mere registration of ground case alone would be insufficient to invoke preventive detention law. Since there is no adverse case relied on in the present case, we do not find any reason to justify the impugned order of detention passed in the present case.

5. For the aforesaid reason, the detention order passed by the second respondent in proceedings No.646/BCDFGISSSV/2024 dated 08.06.2024 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Nagendran, S/o. Ravanaiah, aged 29 years, confined at



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Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith,
unless his confinement is required in connection with any other case.

[S.M.S., J.] [V.S.G., J.]
03.09.2024

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

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2. The Commissioner of Police,
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3. The Superintendent of Police,
Central Prison,
Puzhal,
Chennai - 66.
4. The Inspector of Police,
G1-Vepery Police Station,
Chennai.
5. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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