



HCP.No.2115 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2115 of 2024

Amsa

... Petitioner/Sister
of the Detenue

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Ranipet District,
Ranipet.
3. The Superintendent of Police,
Ranipet,
Ranipet District.
4. The Superintendent,
Central Prison,
Vellore.
5. The Inspector of Police,
Prohibition Enforcement Wing,
Ranipet, Ranipet District.
(Crime No.348/2024)

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records from the 2nd respondent in B3/D.O.No.35/2024 dated 20.05.2024 and by setting aside the order of detention passed by the 2nd respondent and produce the detainee namely Loganathan son of Sekar aged about 24 years old now detained at Central Prison Vellore before this Court and set him at liberty.

For Petitioner : Mr.S.Sairaman
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 20.05.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned Counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The similar case relied on by the detaining Authority is dissimilar, since in the said case, the Covid -19 pandemic situation was



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considered for the purpose of maintaining distance. Therefore, the relevance placed on the said bail order reveals non-application of mind.

4. Accordingly, the impugned order of detention on the file of the second respondent in proceedings B3/D.O.No.35/2024 dated 20.05.2024 is quashed and the habeas corpus petition stands **allowed**. The detenu viz., Loganathan, aged 24 years, S/o. Sekar, confined at Central Prison, Vellore 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.]
12.09.2024

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

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1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
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,
Ranipet District,
Ranipet.
4. The Superintendent of Police,
Ranipet,
Ranipet District.
5. The Superintendent,
Central Prison,
Vellore.
6. The Inspector of Police,
Prohibition Enforcement Wing,
Ranipet, Ranipet District.
7. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
V.SIVAGNANAM, J.

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