



HCP.No.2100 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.2100 of 2024

Rukmani

... Petitioner/Mother
of the Detenue

Vs.

1. State of Tamil Nadu,
Represented by the Additional Chief Secretary,
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai - 600 007.
3. The Inspector of Police,
S-7 Madipakkam Police Station,
Chennai.
4. The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai - 600 066.

... 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 relating to the detention order passed in Memo No.679/BCDFGISSSV/2024 dated 19.06.2024 by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Seenivasa Raghul S/o. Balaji, aged about 29 years the detenu, now confined at Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Seenivasa Raghul S/o. Balaji, aged about 29 years, the detenu herein at liberty.

For Petitioner : Mr.T.K.S.Bharathy Anandraj
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 19.06.2024 is sought to be quashed in the present habeas corpus petition.

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

3. Perusal of the order of detention reveals that the detaining Authority has not relied on any adverse case. Based on the ground case, the



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detention order has been issued. The ground case was registered by S-7 Madipakkam Police Station in Crime No.191/2024 under Section 8 (c) r/w. 20 (b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985. Perusal of the ground case reveals that it is insufficient for the purpose of forming an opinion that there is likelihood of causing breach of public order.

4. For the aforesaid reason, the impugned order of detention on the file of the second respondent in proceedings Memo.No.679/BCDFGISSSV/2024 dated 19.06.2024 is quashed and the habeas corpus petition stands **allowed**. The detenu viz., Seenivasa Raghul, S/o. Balaji aged 29 years, confined at 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.]
12.09.2024

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



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To

1. The Additional Chief Secretary,
Home, Prohibition & 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 Commissioner of Police,
Greater Chennai,
Chennai - 600 007.
4. The Inspector of Police,
S-7 Madipakkam Police Station,
Chennai.
5. The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai - 600 066.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
V.SIVAGNANAM, J.

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