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H.C.P.No.2118 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM  
AND  
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.No.2118 of 2024

Mrs.Valli  
W/o Lakshmanan .. Petitioner

v.

1. The Additional Chief Secretary to Government  
Home, Prohibition and Excise Department  
Secretariat, Chennai 600 009
2. The Commissioner of Police, Greater Chennai  
Chennai City, Chennai
3. The Superintendent of Prison  
Central Prison, Puzhal, Chennai
4. The Inspector of Police  
H-6 R.K.Nagar Police Station  
Korukkupet, Chennai 600 021 .. Respondents

Writ Petition filed under Article 226 of the Constitution of India,  
praying for issuance of a Writ of Habeas Corpus, calling for the entire



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records connected with the detention order of the second respondent in Memo No.772/BCDFGISSSV/2024 dated 18.07.2024 and quash the same and direct the respondents to produce the body and person of petitioner's son namely Kishorekumar, S/o Lakshmanan, aged 25 years, detained in Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty forthwith.

For Petitioner        ::        Mr.B.S.Manikandan

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

ORDER

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

Under assail is the order of detention dated 18.07.2024. The detaining authority has not relied on any adverse case while passing the detention order against the detenu. Based on a solitary case registered in Crime No.595 of 2024 for the offence under Sections 147, 148, 294(b), 342, 324, 302, 506(ii) IPC, the detenu has been detained under Act 14 of 1982. The criminal case registered is capable of being dealt with in accordance with law. The detaining authority must have subjective satisfaction for invoking Act 14 of 1982. Mere registration of a single case would be



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insufficient to form an opinion that there is a likelihood of causing breach of public order. In the absence of any material available on record, the preventive detention law cannot be invoked for the purpose of detaining a person against whom a criminal case has been registered. The facts and circumstances and the grounds raised in the present case would be sufficient to form an opinion that the detaining authority has not applied his mind and thus, we are inclined to interfere with the detention order.

2. Hence, for the aforesaid reasons, the detention order passed by the second respondent in proceedings Memo No.772/BCDFGISSSV/2024 dated 18.07.2024 is quashed and the habeas corpus petition is allowed. The detenu viz., Kishorekumar, S/o Lakshmanan, aged 25 years, detained in Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index : yes

Neutral citation : yes/no

(S.M.S.,J.)

(V.S.G.,J.)

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SS



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5. The Public Prosecutor  
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

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