



WEB COPY



HCP.No.2259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

H.C.P.No.2259 of 2024

Killer

... Petitioner/Mother of the Detenu

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Commissioner Office,
Greater Chennai,
Chennai District.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.
4. The Inspector of Police,
H-5, New Washermanpet Police Station,
Chennai.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the 2nd respondent in No.695/BCDFGISSSV/2024 dated 21.06.2024 against the petitioner's son Vignesh @ Paisa Vicky S/o. Mohan, Male, aged 28 years now confined in Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner	: Mr.T.Balaji
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 21.06.2024 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 appearing for the respondents.

3. The relied on cases would be insufficient to form an opinion that there is likelihood of causing breach of public order. Mere number of cases would not constitute a ground for invoking Act 14 of 1982. All those cases



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registered can be proceeded under the law of the land. The preventive detention law is to be invoked only in the event of establishing that there is likelihood of causing public disorder. The detaining Authority is not expected to invoke preventive detention law to convict the under trial prisoners. Such a mindset at no circumstances be encouraged by the Constitutional Courts, since the preventive detention law is infringing the fundamental right of liberty of a person, which is enunciated under Part-III of the Constitution of India.

4. Accordingly, the detention order passed by the second respondent in proceedings No.695/BCDFGISSSV/2024 dated 21.06.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Vignesh @ Paisa Vicky, aged 28 years, S/o. Mohan 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.] [A.D.M.C., J.]
26.09.2024

Index: Yes/No
Speaking/Non-speaking order
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 Commissioner of Police,
Commissioner Office,
Greater Chennai,
Chennai District.
4. The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.
5. The Inspector of Police,
H-5, New Washermanpet Police Station,
Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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S.M.SUBRAMANIAM, J.
AND
DR.JUSTICE A.D.MARIA CLETE, J.

veda

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