



WEB COPY



HCP.No.2353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.2353 of 2024

Sathiya Priya

... Petitioner

Vs.

1. State of Tamil Nadu
Represented by Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Vellore District.
3. The Superintendent of Police,
Vellore District.
4. The Superintendent of Prison,
District Jail,
Villupuram.
5. State represented by
Inspector of Police,
Ariyoor Police Station,
Vellore.

... 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 of the 2nd respondent pertaining to the order made in Memo C3/D.O.No.74/2024 dated 04.08.2024 in detaining the detenu under the Tamil Nadu Act 14/1982 as a brand of Goonda and quash the same and direct the respondents to produce the detenu, the petitioner's son Poornachandran @ Chandran, Son of Ganeshbabu, aged 23 years, who is detained at the District Jail Villupuram, before this Court and set him at liberty.

For Petitioner : Mr.S.Karthick

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 04.08.2024 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. Based on the ground case registered under Section 302 of IPC preventive detention Law has been invoked in the present case. Such regular criminal cases can be dealt with under the law of the land.



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4. Mere registration of criminal case would provide no cause for invoking Act 14 of 1982. Likelihood of causing breach of public order is the essential element for the purpose of invoking preventive detention Law. Routine approach in detaining a person under preventive detention Law at no circumstances be appreciated.

5. In the present case, except the ground case registered under Section 302 of IPC, no adverse case has been relied on. Therefore, we are inclined to interfere.

6. Accordingly, the detention order passed by the second respondent in proceedings C3/D.O.No.74/2024 dated 04.08.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Poornachandran @ Chandran, aged 23 years, S/o. Ganeshbabu confined at District Jail, Villupuram 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.]
04.10.2024

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



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To

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 District Collector and District Magistrate,
Vellore District.
4. The Superintendent of Police,
Vellore District.
5. The Superintendent of Prison,
District Jail,
Villupuram.
5. The Inspector of Police,
Ariyoor Police Station,
Vellore.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
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