



WEB COPY



H.C.P.No.2435 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM :

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

H.C.P.No.2435 of 2024

Mr.Syed Musthafa

S/o Abdul Jabar

..

Petitioner

v.

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise (XIV) Department
Fort St.George, Secretariat, Chennai 600 009
 2. The District Collector and District Magistrate
Office of the District Collector and District Magistrate
Namakkal, Namakkal District
 3. The Superintendent of Police
Office of the Superintendent of Police
Namakkal District
 4. The Superintendent of Central Prison
Central Prison, Salem, Salem District
 5. The Inspector of Police
Rasipuram Police Station
Rasipuram, Namakkal District
- .. Respondents



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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the records relating to the impugned detention order passed by the 2nd respondent Order No.C.M.P.No.34.Goonda/2024 (M1) dated 08.07.2024 and quash the same and direct the respondents to produce the (Detenu) namely Mr.Syed Musthafa, S/o Abdul Jabar, aged about 58 years, before this Hon'ble Court and set the detenu at liberty, now he is detained and kept in custody at Central Prison, Salem.

For Petitioner :: Mr.P.Vimal Raj

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

ORDER

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

The order of detention passed by the 2nd respondent in C.M.P.No.34/Goonda/2024 (M1) dated 08.07.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. A perusal of the detention order would reveal that there is no adverse case relied on for the purpose of invoking the provisions of Act 14 of



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1982 against the detenu and based on the ground case, the detenu was detained. We find that the grounds stated in the detention order would be insufficient to form an opinion that there is a likelihood for causing breach of public order. Thus, we are inclined to interfere with the impugned detention order.

4. In the light of the above, the detention order passed by the second respondent in C.M.P.No.34/Goonda/2024 (M1) dated 08.07.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Syed Musthafa, S/o Abdul Jabar, aged 58 years, who is presently undergoing detention in the Central Prison, Salem, 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.)

17.10.2024

SS



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6. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

SS

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