



WEB COPY



H.C.P.No.2453 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM :

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

H.C.P.No.2453 of 2024

K.Rathipriya .. Petitioner

v.

1. State of Tamil Nadu rep.by
its Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George, Chennai 600 009

2. The Commissioner of Police
Greater Chennai
Commissioner Office (Goondas Section)
Greater Chennai, Vepery, Chennai 600 007

3. The Superintendent of Prisons
Central Prison, Puzhal-II
Chennai District
Chennai 600 066

4. State by: The Inspector of Police
P-5 M.K.B Nagar Police Station
Chennai 600 039

.. 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 entire records in connection with the grounds of detention Order in No.930/BCDFGISSSV/2024 dated 07.09/2024, by branded as Drug Offender passed by the 2nd respondent against the detinue herein Tmt.Gandhimathi, Female, Age 35 years, W/o Karthik, No.387, 9th Block, K.P.Park, Puliyanthope, Chennai 600 012, and now confined in Special Prison for Women, Puzhal, Chennai and this Hon'ble Court may be pleased to quash the same and to direct the respondents to produce the body and person of the detinue before this Hon'ble Court and set her at liberty.

For Petitioner :: Mr.T.Shanmugaboopathi

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

ORDER

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

The petitioner herein, who is the daughter of the detinue, viz., Tmt.Gandhimathi, W/o Karthik, aged 35 years, now confined at Special Prison for Women, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in No.930/BCDFGISSSV/2024 dated 07.09.2024.

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



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3. The impugned detention order has been passed based on the adverse case registered in Crime No.1054 of 2021 under the Narcotic Drugs and Psychotropic Substances Act. The ground case is also registered under the Narcotic Drugs and Psychotropic Substances Act. The adverse case relied on has no proximity with the ground case, since it was registered in the year 2021. Therefore, the adverse case relied on would be insufficient to form an opinion that there is a likelihood of causing breach of public order. Though the learned Additional Public Prosecutor would submit that few other cases are also pending against the detainee, the details would reveal that those cases were registered in the years 2013, 2016, 2020 and so on. Mere registration of criminal case would be insufficient. As far as the impugned detention order is concerned, we are of the opinion that the subjective satisfaction to be arrived, which is quintessential, is not complied with and thus we are inclined to interfere.

4. Accordingly, the detention order passed by the second respondent in No.930/BCDFGISSSV/2024 dated 07.09.2024 is hereby set aside and the habeas corpus petition is allowed. The detainee viz., Tmt.Gandhimathi, W/o



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Karthik, aged 35 years, now confined at Special Prison for Women, Puzhal, Chennai, is directed to be set at liberty forthwith, unless her confinement is required in connection with any other case.

Index : yes

(S.M.S.,J.)

(V.S.G.,J.)

Neutral citation : yes/no

25.10.2024

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To

1. The Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009
2. The Commissioner of Police
Greater Chennai
Commissioner Office (Goondas Section)
Greater Chennai, Vepery, Chennai 600 007
3. The Superintendent of Prisons
Special Prison for Women
Puzhal, Chennai 600 066
4. The Inspector of Police
P-5, M.K.B Nagar Police Station
Chennai 600 039
5. The Public Prosecutor
High Court, Madras



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