



HCP.No.2548 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

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

H.C.P.No.2548 of 2024

C. Raja @ Kozhi Raja

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary to the Government(Home),
Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of Police/Detaining Authority,
Coimbatore City,
Coimbatore.
3. The Superintendent of Prison,
Central Prison,
Coimbatore,
Coimbatore District.
4. The State rep. by
Inspector of Police,
B-5, Vadavalli Police Station,
Coimbatore City,
Coimbatore.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to Call for the entire records relating to the detention order dated 29.07.2024 passed by the 2nd respondent in C.No.86/G/IS/2024 and Quash the same and direct the respondents to produce the petitioner namely C.Raja @ Kozhi Raja, Son of Chinna Kannan, aged 43 years, (who is presently undergoing detention in Central Prison, Coimbatore), before this Court and set him at liberty.

For Petitioner : Mr. L. Mouli

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

ORDER

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

The order of detention passed by the Commissioner of Police/Detaining Authority, Coimbatore City, Coimbatore, in C.No.86/G/IS/2024 dated 29.07.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Three Adverse cases are relied on, one registered in 2023 and two registered in 2024. Both the adverse cases and the ground case are for IPC offences and therefore, we are of the considered opinion that those cases can be



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dealt with by the authorities under the regular penal law for invoking Preventive Detention Law subjective satisfaction of the detaining authority is of paramount importance to an extent that there is likelihood of causing breach of public order. Since the element of public disorder is missing in the present case, we are inclined to quash the detention order passed by the second respondent.

3. Hence, for the aforesaid reason, the detention order passed by the second respondent in C.No.86/G/IS/2024 dated 29.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., C.Raja @ Kozhi Raja, Son of Chinna Kannan, aged 43 years, now confined at Central Prison, Coimbatore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.] [V.S.G., J.]
29.10.2024

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



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

mrp

To

1. The Secretary to the Government(Home),
Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The Commissioner of Police/Detaining Authority,
Coimbatore City,
Coimbatore.
3. The Superintendent of Prison,
Central Prison,
Coimbatore,
Coimbatore District.
4. The Inspector of Police,
B-5, Vadavalli Police Station,
Coimbatore City,
Coimbatore.
5. The Public Prosecutor,
High Court, Madras.

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