



HCP.No.2754 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2754 of 2024

Usha Ramesh

... Petitioner

Vs.

1.The Secretary to the Government of Tamil Nadu
Home, Prohibition and Excise (XIV) Department
Fort Saint George, Chennai – 9.

2.The District Collector and District Magistrate,
Ranipet District,
Ranipet.

3.The Superintendent of Police
Salem.

4.The Inspector of Police
Arakonam Police Station,
Arakonam Taluk.

5.The Superintendent
Central Prison, Salem.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Habeas Corpus, to call for the records relating to the detention order passed by the 2nd respondent herein connection with detention order ber No.B3/D.O.No.70/2024 dated 11.09.2024 TPDA.No.6924 reason the same detaining the detenue under Section 3(2) of Tamil Nadu Act 14 of 1982, as a Drug Offendor, quashing the same and consequently set the detenue Mr.Surendar @ Puli s/o.Ramesh (male/aged about 24 years) now detained at Central Prison, Salem at liberty.

For Petitioner : Mr.M.Rajeswaran

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in proceedings B3/D.O.No.70/2024 dated 10.09.2024 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.



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3. Three adverse cases are relied on registered in the year 2002 and 2003. The first adverse case was registered under NDPS Act, the other two adverse cases are registered under IPC offence. The ground case is also registered under NDPS Act.

4. Considering the nature of adverse cases and further those adverse cases were registered in the year 2022, and no proximity with the ground case.

5. We are of the opinion that the cases can be dealt with by the police authorities under the law of the land. Since the preventive detention law is a draconian to be invoked sparingly by the authorities. Only in the event of subjective satisfaction that there is a likelihood of causing breach of public order Act 14 of 1982 cannot be invoked in a routine manner, since it would infringe the personal liberty of a person, it is a fundamental rights ensured under Article 21 of the Constitution of India. For the aforesaid reasons, we are inclined to interfere with the impugned detention order.



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6. Accordingly, the detention order passed by the second respondent in proceedings B3/D.O.No.70/2024 dated 10.09.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Surendar @ Puli w/o.Ramesh aged 24 years, now confined at Central Prison, Salem is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

04.12.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

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5.The Superintendent
Central Prison, Salem.

6.The Public Prosecutor
High Court Madras.



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