



HCP.No.2617 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM :

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

H.C.P.No.2617 of 2024

Kamala

... Petitioner/Mother of the
detenu

Vs.

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. District Collector and District Magistrate of
Viluppuram District, Viluppuram.
3. The Superintendent of Police,
Viluppuram District, Viluppuram.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Brammadesam Police Station,
Viluppuram District.

... Respondents



HCP.No.2617 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the records in connection with the order of Detention passed by the second respondent dated 25.09.2024 in Rc.No.C2/52/2024 against the petitioner Son Murali alias Thavakkalai Murali, Male aged 42 years, S/o.Perumal, who is confined at Central Prison, Cuddalore, and set aside the same and direct the respondents to produce the detainee before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents : Mr. R.Muniyapparaj
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 25.09.2024 is sought to be quashed in the present habeas corpus petition.

2. The impugned detention order has been passed based on one adverse case registered in Crime No.634 of 2024 under Tamil Nadu Prohibition Act, 1937. The ground case is also registered under the Prohibition Act.



HCP.No.2617 of 2024

3. The learned Additional Public Prosecutor appearing on behalf of the respondents would submit that the detenu has involved in several previous cases.

4. The learned Counsel for the petitioner would submit that the detenu is a poor person and there is nobody for him even to defend him. He is having the habit of consuming liquor in Pondicherry and while coming back from Pondicherry to Villupuram, on some occasions, he used to carry some liquor bottles, based on which, several false cases are registered against the detenu.

5. The menace of registering false case under the Prohibition Act, at no circumstances be encouraged and the higher Police Authorities are bound to review such matters and initiate all appropriate actions to prevent illicit transport of liquor in an effective manner, in order to avoid registration of false cases by the sub-ordinate Police Authorities.

6. Frequently, Courts are witnessing registration of such false



HCP.No.2617 of 2024

cases under the Tamil Nadu Prohibition Act and the situation must be viewed seriously.

7. It is further contended by the petitioner that the detenu is a differently-abled person and he could not walk freely. He is a Coolie and being harrassed by registering false cases.

8. The Superintendent of Police/third respondent is directed to verify the correctness of the cases registered against the detenu and if false cases are identified, all appropriate actions are to be initiated against the Authorities concerned.

9. As far as the preventive detention order is concerned, we find the grounds are insufficient. Certain old cases registered have no proximity with the ground case and that being the factum, we are inclined to consider the present habeas corpus petition.

10. Accordingly, the detention order passed by the 2nd respondent,



HCP.No.2617 of 2024

in proceedings Rc.No.C2/52/2024 dated 25.09.2024, is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Murali alias Thavakkalai Murali, aged 42 years, S/o. Perumal confined at Central Prison, Cuddalore is directed to be set at liberty forthwith unless he is required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
04.11.2024

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



HCP.No.2617 of 2024

To

WEB COPY

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. District Collector and District Magistrate of
Viluppuram District, Viluppuram.
4. The Superintendent of Police,
Viluppuram District, Viluppuram.
5. The Superintendent of Prison,
Central Prison, Cuddalore.
6. The Inspector of Police,
Brammadesam Police Station,
Viluppuram District.
7. The Public Prosecutor,
Madras High Court,
Chennai - 104.



WEB COPY



HCP.No.2617 of 2024

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

veda

H.C.P.No.2617 of 2024

04.11.2024