



HCP.No.2771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2771 of 2024

D.Narayanasamy

... Petitioner/Father of
the detenu

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary
to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Commissioners Office,
Vepery, Chennai.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
JV-5, Thirumangalam Police Station,
Thirumangalam, Chennai.

... Respondents



HCP.No.2771 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the entire records relating to the detention of the detenu namely Nagendran, S/o. Narayasamy, Hindu, aged about 33 years vide detention order dated 09.10.2024 on the file of the 2nd respondent herein made in the proceedings in detention order No.1036/BCDFGISSSV/2024 and quash the same and consequently direct the respondents herein to produce the body of the detenu before this Court and thereafter set him at liberty from Central Prison, Puzhal.

For Petitioner : Mr.R.Thamarai Selvan
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 09.10.2024 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.



HCP.No.2771 of 2024

3. No adverse case has been relied upon by the detaining Authority, while issuing the impugned order of detention under Act 14 of 1982.

4. Based on the ground case, the detention has been made. Regular IPC offences can be dealt with under the law of the land and for invoking preventive detention law, more specifically Act 14 of 1982, likelihood of causing breach of public order is to be established and the detaining Authority must have subjective satisfaction with reference to the materials made available on record.

5. Preventive detention law being draconian to be invoked sparingly only in deserving cases and circumstances, where there is likelihood of public disorder but not otherwise.

6. For the aforesaid reasons, the detention order passed by the 2nd respondent, in proceedings No.1036/BCDFGISSSV/2024 dated 09.10.2024, is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu



HCP.No.2771 of 2024

viz., Nagendran, S/o. Narayanasamy, aged 33 years confined at Central Prison, Puzhal, Chennai 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.]
22.11.2024

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



HCP.No.2771 of 2024

To

WEB COPY

1. The State of Tamil Nadu,
Represented by its Secretary
to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Commissioners Office,
Vepery, Chennai.
4. The Superintendent,
Central Prison, Puzhal,
Chennai.
5. The Inspector of Police,
JV-5, Thirumangalam Police Station,
Thirumangalam, Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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HCP.No.2771 of 2024

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

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H.C.P.No.2771 of 2024

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