



WEB COPY



HCP.No.2812 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM :

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

H.C.P.No.2812 of 2024

Ishwarya

... Petitioner /wife of detenu

Vs

1. The State of Tamil Nadu
The Secretary To Government,
Home, Prohibition And Excise Department,
Fort St. George,
Chennai - 600 009.

2 The Commissioner of Police Greater,
Chennai.

3 The Superintendent of Prison,
Central Prison Puzhal,
Chennai.

4 The Inspector Of Police
Law And Order,
M-3 Puzhal Police Station
Chennai.

... 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 records calling for the records of the 2nd Respondent pertaining to the order made in Memo No.1022/BCDFGISSSV/2024 Dated 08.10.2024 in detaining the detainee under the Tamil Nadu 14/1982 as a brand of GOONDA and quash the same and direct the respondents to produce the detainee the petitioner's husband RAJKUMAR SON OF MARIAPPAN, AGED 31 YEARS, who is detained at the Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at Liberty.

For Petitioner : Mr. S. Karthick
For Respondents : Mr.R. Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in No. 1022/BCDFGISSSV/2024 Dated 08.10.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Three adverse cases are relied on for the purpose of invoking Act 14 of 1982. Perusal of the first adverse case, it would reveals that it was registered in the year 2020 and the second case was registered in the year 2023 and therefore,



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no proximity with the ground case. Third adverse case is relating to certain personal dispute in the family and therefore, the said case can be dealt with by the authorities under the law of the land.

3. In view of the fact that the adverse cases, including the ground case, can be dealt with by the authorities under the regular penal law invoking preventive detention law become unnecessary and we do not find any compelling reasons for invoking Act 14 of 1982 and consequently, we are inclined to consider the present petition.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.1022/BCDFGISSSV/2024 Dated 08.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Rajkumar, S/o. Mariappan, aged 31 years, now 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.]
05.12.2024

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



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To

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5. The Public Prosecutor,
High Court, Madras.



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AND
M.JOTHIRAMAN, J.

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