



HCP.Nos.2815, 2983, 2811, 2869 & 2816 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.Nos.2815, 2983, 2811, 2869 & 2816 of 2024

Chitra	... Petitioner in HCP.2815/2024
Shobana	... Petitioner in HCP.2983/2024
Mariammal	... Petitioner in HCP.2811/2024
Shobha	... Petitioner in HCP.2869/2024
Lilli	... Petitioner in HCP.2816/2024

Vs.

1.The State of Tamil Nadu
Rep by its Secretary to Government
Home, Prohibition and Excise (XIV) Department
Fort St.George, Chennai – 9.

2.The Commissioner of Police
Greater Chennai, Vepery
Chennai – 7.

3.The Superintendent of Prison
Central Prison Puzhal,



HCP.Nos.2815, 2983, 2811, 2869 & 2816 of 2024

Chennai – 600 066.

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4. The Inspector of Police,
J.5. Shastri Nagar Police Station
Chennai.

... Respondents in all the cases

PRAYER in HCP.2815/2024: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records leading to the detention of my husband Sarath @ Shanmugam s/o.Ravi Kumar male aged about 29 years is presently lodged in Central Prison at Puzhal and has been detained under Act 14/82 as a “Goonda” vide detention order dated 08.10.2024 made in BCDFGISSSV No.1028/2024 by the 2nd respondent, The Commissioner of Police, Greater Chennai, Vepery, Chennai – 7 and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal.

PRAYER in HCP.2983/2024: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records leading to the detention of the petitioner's son Santhoshkumar s/o.Ravi male aged about 27 years is presently lodged in Central Prison at Puzhal and has been detained under Act 14/82 as a “Goonda” vide detention order dated 08.10.2024 made in BCDFGISSSV No.1031/2024 by the 2nd respondent, The Commissioner of Police, Greater Chennai,



HCP.Nos.2815, 2983, 2811, 2869 & 2816 of 2024

Vepery, Chennai – 7 and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal.

PRAYER in HCP.2811/2024: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records leading to the detention of the petitioner husband Appu @ Thalapathy s/o.Arokiyadoss male aged about 33 years is presently lodged in Central Prison at Puzhal and has been detained under Act 14/82 as a “Goonda” vide detention order dated 08.10.2024 made in BCDFGISSSV No.1027/2024 by the 2nd respondent, The Commissioner of Police, Greater Chennai, Vepery, Chennai – 7 and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal.

PRAYER in HCP.2869/2024: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records leading to the detention of the petitioner's son Amoss s/o.Yesurathinam male aged about 26 years is presently lodged in Central Prison at Puzhal and has been detained under Act 14/82 as a “Goonda” vide detention order dated 08.10.2024 made in BCDFGISSSV No.1029/2024 by the 2nd respondent, The Commissioner of Police, Greater Chennai, Vepery, Chennai – 7 and quash the same and consequently direct



HCP.Nos.2815, 2983, 2811, 2869 & 2816 of 2024

the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal.

PRAYER in HCP.2816/2024: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records leading to the detention of petitioner son Saranraj s/o.Irudayaraj male aged about 28 years is presently lodged in Central Prison at Puzhal and has been detained under Act 14/82 as a “Goonda” vide detention order dated 08.10.2024 made in BCDFGISSSV No.1030/2024 by the 2nd respondent, The Commissioner of Police, Greater Chennai, Vepery, Chennai – 7 and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal.

For Petitioners : Mr.Rajavelu

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

COMMON ORDER

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

The facts in the ground case reveals that the dispute existed between two groups regarding musical performance.

2. The alleged commission of offence seems to be on account of



HCP.Nos.2815, 2983, 2811, 2869 & 2816 of 2024

personal dispute between two groups and therefore, the case can be dealt with by the police authority under the law of the land. Even in case, the bail petition have been filed, the authorities may oppose the same or request the Court concerned to impose stringent conditions. However, in respect of such cases where dispute exist between two groups on account of personal dispute, the question of causing breach of public disorder would not arise.

3. The element of public disorder has been defined by the Apex Court in the *Ram Manohar Lohia V. State of Bihar* reported in **MANU/SC/0054/1965** regular cases are to be dealt with by the police authority by following the procedure and under the provisions of penal laws, invoking the preventive detention law is an exception where the authority is subjectively satisfied that there is likelihood of causing breach of public order. Mere involvement of a person in criminal case or number of criminal cases registered would not constitute a ground for invoking Act 14/1982. For the aforesaid reasons, we are inclined to interfere with the impugned detention order.



HCP.Nos.2815, 2983, 2811, 2869 & 2816 of 2024

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4. Accordingly, the detention order passed by the second respondent in proceedings Nos.BCDFGISSSV No.1028/2024, BCDFGISSSV No.1031/2024, BCDFGISSSV No.1027/2024, BCDFGISSSV No.1029/2024 and BCDFGISSSV No.1030/2024 dated 08.10.2024 respectively are hereby set aside and the habeas corpus petitions are allowed. The detenu viz., (i)Sarath @ Shammugam s/o.Ravi Kumar aged 29 years (ii)Santhoshkumar s/o.Ravi aged 27 years (iii)Appu @ Thalapathy s/o.Arokiyadoss aged 33 years (iv)Amoss s/o.Yesurathinam aged 26 years and (v)Saranraj s/o.Irudayaraj aged 28 years, all are now confined at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith, unless their 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

1.The State of Tamil Nadu

Rep by its Secretary to Government

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5.The Public Prosecutor
High Court Madras.



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