



WEB COPY



H.C.P.No.2850 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2850 of 2024

R.Selvi .. Petitioner

v.

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009
2. The Commissioner of Police
Tambaram City
Office of the Commissioner of Police
Sholinganallur, Chennai 600 119
3. The Superintendent of Prison
Central Prison, Puzhal
Chennai 600 066
4. The Inspector of Police (L&O)
T-12, Selaiyur Police Station
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying



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for issuance of a Writ of Habeas Corpus, calling for the entire records relating to the impugned order of detention passed by the 2nd respondent in No.97/BCDFGISSSV/2024 dated 27.09.2024 and set aside the same and consequently direct the respondents to produce the detenu G.Vinoth Kumar, S/o Gunasekaran, aged about 37 years, petitioner's brother now confined at Central Prison, Puzhal, Chennai 600 066 before this Hon'ble Court and set him at liberty forthwith.

For Petitioner :: Mr.S.Santhanam

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 BCDFGISSSV No.97/2024 dated 27.09.2024 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. The impugned detention order has been issued based on three adverse cases and the ground case. The learned Additional Public Prosecutor would submit that the murder cases are relating to personal motives and the adverse cases are registered in the years 2022, 2023 and those two adverse cases have no proximity with the ground case. Since the cases registered under Section 302 IPC are relating to personal disputes between the parties, we are of the considered opinion that the element of public disorder has not been satisfied. The public disorder has been defined by the Apex Court in the case of *Dr.Ram Manohar Lohia v. State of Bihar*, AIR 1966 SC 740. Fight between two groups based on certain personal motives would not fall under the purview of Act 14 of 1982. Therefore, those cases can be dealt with by the authorities under the ordinary law and by following the procedures. In view of the same, we are inclined to interfere with the impugned detention order.

4. Accordingly, the detention order passed by the second respondent in proceedings BCDFGISSSV No.97/2024 dated 27.09.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., G.Vinoth



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Kumar, S/o Gunasekaran, aged 37 years, now confined at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

Index : yes/no

(S.M.S.,J.)

(M.J.R.,J.)

Neutral citation : yes/no

17.12.2024

ss

To

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5. The Public Prosecutor
High Court, Madras



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