



H.C.P.No.2871 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.2871 of 2024

Dhanalakshmi
W/o Durai Arasan .. Petitioner

v.

1. The Government of Tamil Nadu
rep by its Secretary
Home, Prohibition and Excise (XVI) Department
Fort St.George, Chennai 600 009
2. The District Magistrate and District Collector
Office of District Collector
Kallakurichi District, Kallkurichi
3. The Superintendent of Police
Kallakurichi District, Kallkurichi
4. The Superintendent
Central Prison, Cuddalore
5. The Inspector of Police
All Women Police Station
Ulundurpet, Kallakurichi District .. Respondents



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Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the records in detention order vide D.No.C2/64/2024 dated 23.10.2024 on the file of the 2nd respondent and quash the same and direct the respondents herein to produce the petitioner's husband V.Durai Arasan, S/o Veerasamy, aged about 52 years, the detenu now confined in Central Prison, Cuddalore before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.K.Kannan

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 D.O.No.C2/64/2024 dated 23.10.2024 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.

3. The impugned detention order has been issued based on the ground



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case. On perusal of the grounds of detention, we find that the element of public disorder is not attracted to invoke the provisions of Act 14 of 1982.

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*. Since the ground case can be dealt with by the authorities under the penal law and by following the procedures, we are inclined to interfere with the impugned detention order.

4. Accordingly, the detention order passed by the second respondent in proceedings D.O.No.C2/64/2024 dated 23.10.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Durai Arasan, S/o Veerasamy, aged 52 years, now confined at Central Prison, Cuddalore is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

Index : yes/no
Neutral citation : yes/no
SS
To

(S.M.S.,J.) (M.J.R.,J.)
17.12.2024

1. The Secretary to Government



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Home, Prohibition and Excise (XVI) Department
Fort St.George, Chennai 600 009

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2. The District Magistrate and District Collector
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6. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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