



WEB COPY



H.C.P.No.2984 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.2984 of 2024

M.Mala

W/o Murugan

..

Petitioner

v.

1. The Secretary to the Government
Government of Tamil Nadu
(Home) Prohibition and Excise Department
Secretariat, Fort St.George, Chennai 600 009
2. The District Collector and
District Magistrate
Chengalpattu District
Chengalpattu
3. The Superintendent of Police
Chengalpattu District
Chengalpattu
4. The Inspector of Police
Prohibition Enforcement Wing
Madurantakam
Chengalpattu District



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5. The Superintendent of Prison
Central Prison, Puzhal
Chennai 600 066

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the entire records connected with the order of the 2nd respondent herein in CPT No.18/2023 dated 27.10.2024 passed against the petitioner's husband the detenu namely Murugan alias Jalli Murugan, Son of Krishnan, aged about 50 years, as a Bootlegger, who is confined at Central Prison, Puzhal, Chennai 600 066 and set aside the same, consequently directing the respondents herein to produce the detenu before this Hon'ble Court and set him at liberty forthwith.

For Petitioner :: Mr.A.Murugavel

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 CPT No.18/2024 dated 27.10.2024 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.



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3. All the adverse cases registered against the detenu are under the Tamil Nadu Prohibition Act. Those cases can be dealt with under the ordinary law and by following the procedures. Since the element of public disorder has not been established and the detaining authority failed to make a subjective satisfaction for the purpose of invoking Act 14 of 1982, we are inclined to interfere with the impugned detention order.

4. Accordingly, the detention order passed by the second respondent in proceedings CPT No.18/2024 dated 27.10.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Murugan @ Jalli Murugan, S/o Krishnan, aged 50 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
Neutral citation : yes/no

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

SS



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To
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Central Prison, Puzhal
Chennai 600 066
6. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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