



WEB COPY



HCP.No.2961 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

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

H.C.P.No.2961 of 2024

Poovarasan

... Petitioner /brother of detenu

Vs

1. The Secretary to the Government,
Home, Prohibition And Excise Department,
Secretariat, Chennai - 600 009.
 - 2 The District Collector And District Magistrate,
Tirupathur District ,
Tirupathur 635 601
 - 3 The Superintendent Of Police,
Tirupathur District, Tirupathur-1.
 - 4 The Superintendent Of Prison,
Central Prison, Vellore-2
 - 5 The Inspector of Police,
Jolarpettai Police Station ,
Tirupathur District.
- ... 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 entire records in connection with the order of Detention passed by the second respondent dated 13.09.2024, C3/D.NO. 46/2024 against the petitioner, brother Aravindan, male aged 23 years S/o. Venkatesan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenue before the hon'ble Court and set him at liberty.

For Petitioner : Mr. S. Selvakumar
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 C3/D.NO. 46/2024 dated 13.09.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The detention order impugned has been issued based on one adverse case and the ground case. Both the cases are capable of being handle by the police authorities under the law of the land. Thus, we are of the opinion that the preventive detention law and its invocation become unnecessary.



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3. In view of the fact that the adverse case, 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 C3/D.NO. 46/2024 dated 13.09.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Aravindan, S/o. Venkatesan, aged 23 years, confined at Central Prison, Vellore, 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.]

13.12.2024

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

mrp



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To

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Tirupathur 635 601
- 3 The Superintendent Of Police,
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- 5 The Inspector of Police,
Jolarpettai Police Station ,
Tirupathur District.
6. The Public Prosecutor,
High Court, Madras.



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AND
M.JOTHIRAMAN, J.

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