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HCP.No.2975 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM :

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

H.C.P.No.2975 of 2024

Tamilselvi

... Petitioner

Vs

- 1 The State Rep By Its
Government Of Tamilnadu Rep By Its
The Additional Chief Secretary,
Home, Prohibition And Excise Department
Secretariat , Chennai.
- 2 The Commissioner Of Police
Greater Chennai.
- 3 The Superintendent Of Prison
Central Prison, Puzhal,
Chennai District.
- 4 The Inspector Of Police
H-5 New Washermenpet Police Station
Chennai District.

... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, calling for the records in Detention Order passed in No.830/BCDFGISSSV/2024 dated 09.08.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the person or body of petitioner's son Thiru.Suriya@Mittai Surya S/o.Jaishakar, M/A.28 years, now confined in Central Prison, Puzhal, Chennai before this Honble Court and set him at liberty.

For Petitioner : Mr. D. Padmanabhan

For Respondents : Mr.E. Raj Thilak,
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent ref No. No.830/BCDFGISSSV/2024 dated 09.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Out of six adverse cases, 3 of them were registered in the year 2021 and 2022 and has no proximity with the ground case. Two adverse cases have been registered in the year 2024. We are of the considered opinion that those cases registered under penal law can be dealt with by the



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Police Authorities by following the procedures as contemplated.

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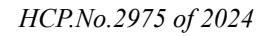
3. While invoking the Preventive Detention Law, extra care needs to be exercised so as to ensure that an element of likelihood of causing public disorder is visible. In the absence of subjective satisfaction to that extent, the detention orders cannot be sustained. The cases registered against the detenu may be dealt with under the regular penal law .

4. Hence, for the aforesaid reason, the detention order passed by the second respondent ref No. No.830/BCDFGISSSV/2024 dated 09.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Suriya@Mittai Surya S/o.Jaishakar, aged 28 years, confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

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

[S.M.S., J.] [M.J.R.,J.]
10.12.2024

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.



To

1. The Additional Chief Secretary,
The Government Of Tamilnadu ,
Home, Prohibition and Excise Department
Secretariat , Chennai.
- 2 The Commissioner Of Police
Greater Chennai.
- 3 The Superintendent Of Prison
Central Prison, Puzhal,
Chennai District.
- 4 The Inspector Of Police
H-5 New Washermenpet Police Station
Chennai District.
- 5 The Public Prosecutor,
High Court, Madras.

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