



HCP.No.3039 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM :

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

H.C.P.No.3039 of 2024

M. Kumar

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Petitioner

Vs

1 State of Tamil Nadu,
Rep. By its Additional Chief Secretary,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai - 600 009.

2 The Commissioner of Police ,
Greater Chennai, Chennai City,
Office Of The Commissioner Of Police,
Chennai - 600 007.

3 The Superintendent Of Prison
Central Prison Puzal,
Chennai - 600 066.

4 The Inspector Of Police
PEW, Adayar, Chennai.

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Respondents



HCP.No.3039 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, calling for the records pertaining to the order of detention passed by the 2nd respondent in his proceedings No.867/BCDFGISSSV/2024 dated 22.08.2024 against the petitioner Kumar son K.Karthik male aged 22 years now confined in CENTRAL PRISON PUZHAL, Chennai and set aside the same and direct the respondents to produce the detune before this Honble Court and set him at liberty.

For Petitioner : Mr. M. Devanthiran

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 No.867/BCDFGISSSV/2024 dated 22.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The impugned detention order has been passed based on the ground case alone. No adverse case has been relied on for the purpose of invoking Preventive Detention Law. The ground case can be dealt with by the Police Authorities under the regular penal law. Preventive Detention



HCP.No.3039 of 2024

being draconian is to be invoked sparingly only when the detaining authority subjectively satisfied that there is likelihood of causing breach of public order, but not otherwise.

3. In the present case, based on the solitary ground case, Act 14 of 1982 has been invoked and we are of the opinion that the Preventive Detention become unnecessary.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.867/BCDFGISSSV/2024 dated 22.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Kumar, S/o. K.Karthik, aged 22 years, confined in 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.]
11.12.2024

