



HCP.No.2993 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM :

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

H.C.P.No.2993 of 2024

Sathya

... Petitioner

Vs.

1.State of Tamil Nadu
rep by its Additional Chief Secretary to the Government
Home, Prohibition and Excise (XIV) Department
Secretariat, Chennai – 9.

2.The District Magistrate and District Collector
Namakkal District.

3.The Superintendent of Police
Namakkal District.

4.The Inspector of Police
Prohibition Enforcement wing
Namakkal

5. The Superintendent
Central Prison, Salem.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Habeas Corpus, to call for the entire records relating to petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 24.10.2024 on the file of the second respondent herein made in proceedings CMP.No.60/Bootlegger/2024/(M1) and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's husband namely Palanivel aged 37 years s/o.Marappan before this Court and set him at liberty now petitioner's husband detained at Central Prison, Salem.

For Petitioner : Mr.C.C.Chellappan

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 CMP.No.60/Bootlegger/2024/(M1) dated 24.10.2024 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.The nature of the adverse case and the ground case can be dealt with by the police authorities under the regular penal law.

Perusal of the facts would be sufficient for us to form an opinion that invoking Act 14 of 1982 is unnecessary. Subjective satisfaction of the detaining authority is the requisite conditions for invoking Act 14 of 1982. In view of the fact that the adverse case and the ground case in the present detention order impugned would be insufficient for invoking preventive detention law. For the aforesaid reasons, we are inclined to interfere with the impugned detention order.

6. Accordingly, the detention order passed by the second respondent in proceedings CMP.No.60/Bootlegger/2024/(M1) dated 24.10.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Palanivel s/o.Marappan aged 37 years, now confined at Central Prison, Salem is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.



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[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

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High Court Madras.



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