



WEB COPY



H.C.P.No.3028 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.3028 of 2024

Santhiya

W/o Rajasekar

.. Petitioner

v.

1. The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009

2. District Collector and District Magistrate of
Villupuram District, Villupuram

3. The Superintendent of Police
Villupuram District, Villupuram

4. The Superintendent of Prison
Central Prison, Cuddalore

5. The Inspector of Police
Tindivanam All Women Police Station
Villupuram District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying



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for issuance of a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 25.10.2024 in Rc.No.C2/61/2024 against the petitioner's husband Rajasekar, Male, aged 33 years, S/o Palani, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenu 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 was made by S.M.SUBRAMANIAM,J.)

The order of detention passed by the second respondent in proceedings Rc.No.C2/61/2024 dated 25.10.2024 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.

3. Based on the ground case alone, the impugned detention order has been passed. The learned Additional Public Prosecutor would submit that the detenu is involved in criminal cases previously. Mere registration of



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criminal cases would be insufficient. There must be an element of likelihood of causing public disorder, which is to be established for the purpose of invoking Act 14 of 1982. The ground case registered is capable of being dealt with under the ordinary law and by following the procedures. Therefore, we are inclined to interfere with the impugned detention order.

4. Accordingly, the detention order passed by the second respondent in proceedings Rc.No.C2/61/2024 dated 25.10.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Rajasekar, S/o Palani, aged 33 years, now confined at Central Prison, Cuddalore 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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Villupuram District
6. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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