



WEB COPY



HCP.No.90 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.90 of 2025

Samu

... Petitioner/Mother of the
Detenu

Vs.

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order in No.1219/BCDFGISSSV/2024 dated 11.12.2024 on the file of the respondent No.2 and quash the same and direct the respondents to produce the person of petitioner's son one named Kalaiselvam, S/o. Panneerselvam, aged about 23 years now confined at Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner	: Mr.P.Muthamizhselvakumar
For Respondents	: Mr. R.Muniyapparaj
	Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble *S.M.Subramaniam, J.*)

The preventive detention order passed by the second respondent in proceedings No.1219/BCDFGISSSV/2024 dated 11.12.2024 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. The preventive detention order impugned has been issued based on the ground case registered against the detenu in Crime No.1287 of 2024 under Section 123, 278 of Bharatiya Nyaya Sanhita, 2023. No adverse



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case has been relied upon for the purpose of invoking of Act 14 of 1982.

Therefore, the said ground case can be dealt with under the law of the land.

4. In the present case based on the solitary case, the impugned order of detention has been passed. We are of the considered opinion that the reasons stated in the order impugned would be insufficient to form an opinion that there is likelihood of causing breach of public order.

5. Accordingly, the detention order passed by the 2nd respondent, in proceedings No.1219/BCDFGISSSV/2024 dated 11.12.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Kalaiselvam, s/o. Panneerselvam, aged 23 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.

[S.M.S., J.] [M.J.R., J.]
28.01.2025

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



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To

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Greater Chennai.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
5. The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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

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(4/4)