



WEB COPY



HCP.No.2729 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM :

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

H.C.P.No.2729 of 2024

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Petitioner

Vs.

1.The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai – 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai.

3.The Superintendent of Police,
Central Prison,
Puzhal, Chennai 600 066.

4.The Inspector of Police, (L & O),
T-7, Tank Factory Police Station,
Adyar, Chennai.

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Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent pertaining to the order made in Memo No.165/BCDFGISSSV/2024 dated 25.09.2024 and set aside the same and directing the second respondent to produce the detinue, petitioner's son, Thiru.Vijay, aged 26 years S/o.Venkatesan, now confined in Central Prison, Puzhal,



HCP.No.2729 of 2024

Chennai before this Court and thereby set him at liberty.

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For Petitioner : Mr.P.Muthamizselvakumar
for Mr.G.Baskaran

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 herein in Memo No.165/BCDFGISSSV/2024 dated 25.09.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3.The ground case has been registered under NDPS Act. Out of three adverse cases relied on, two adverse cases were registered in the year 2023 and has no proximity. Third case registered can be dealt with by the police authorities under the ordinary law. The detenu is already under preventive detention for about five months. Thus, we are inclined to interfere with.

4.Accordingly, the impugned order of detention in Memo



HCP.No.2729 of 2024

No.165/BCDFGISSSV/2024 dated 25.09.2024, is quashed and the Habeas Corpus

Petition stands **allowed**. The detainee, namely, Vijay, aged 26 years S/o.Venkatesan, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
31.01.2025

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

To

1.The Additional Chief Secretary,
Government of Tamil Nadu,
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Chennai – 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai.

3.The Superintendent of Police,
Central Prison,
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4.The Inspector of Police, (L & O),
T-7, Tank Factory Police Station,
Adyar, Chennai.

5.The Public Prosecutor,
Madras High Court.



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

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