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H.c.P.Nos.2832, 2838, 2839 & 3032 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.01.2025

CORAM :

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

H.C.P.Nos.2832, 2838, 2839 & 3032 of 2024

Paramasivam	... Petitioner in H.C.P.No.2832 of 2024
Pushparani	... Petitioner in H.C.P.No.2838 of 2024
Kavitha	... Petitioner in H.C.P.No.2839 of 2024
Chanthira	... Petitioner in H.C.P.No.3032 of 2024

Vs.

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

2.Commissioner of Police/Detaining Authority,
Tiruppur City,
Tiruppur.

3.The Superintendent,
Central Prison,
Coimbatore.

4.State rep. By
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur District. ... Respondents in H.C.P.No.2838 of 2024



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- 1.The Secretary to Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.
- 2.Commissioner of Police/Detaining Authority,
Tiruppur City,
Tiruppur.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.State rep. By
The Inspector of Police,
Anuppappalayam Police Station,
Tiruppur District.

... Respondents in H.C.P.Nos.2832, 2839 & 3032 of 2024

PRAYER in H.C.P.No.2832 of 2024: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the records in connection with the order of Detention passed by the 2nd Respondent dated 20.09.2024 in C.No.82/G/IS/TIRUPPUR CITY/2024 against the petitioner son RUTHIRAMOORTHY M/24 Years Son of Paramasivam, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the Respondents to produce the detainee before the Court and set him at Liberty.

PRAYER in H.C.P.No.2838 of 2024: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the records in connection with the order of Detention passed by the 2nd Respondent dated 20.09.2024 in C.No.83/G/IS/TIRUPPUR CITY/2024



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against the petitioner son UDHAYA DHARSHAN M/24 Years, Son of Ganesan, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the Respondents to produce the detainee before the Court and set him at Liberty.

PRAYER in H.C.P.No.2839 of 2024: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the records in connection with the order of Detention passed by the 2nd Respondent dated 20.09.2024 in C.No.81/G/IS/TIRUPPUR CITY/2024 against the petitioner son SURYAMOORTHY, M/27 Years, Son of Ganesan, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the Respondents to produce the detainee before the Court and set him at Liberty.

PRAYER in H.C.P.No.3032 of 2024: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the records in connection with the order of Detention passed by the 2nd Respondent dated 16.10.2024 in C.No.91/G/IS/TIRUPPUR CITY/2024 against the petitioner son CHELLADURAI, M/39 Years, Son of Vellaisamy, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the Respondents to produce the detainee before the Court and set him at Liberty.

For Petitioners : Mr.A.Saranraj

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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invocation of preventive detention law became unnecessary.

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5. Preventive detention law being a draconian, should be applied sparingly and in a case where there is a likelihood of causing public disorder. Mere registration of criminal case would be insufficient to invoke preventive detention law.

6. Mere satisfaction would be insufficient to invoke preventive detention law. The subjective satisfaction must have nexus and the same is missing in the present case. Thus, there is no application of mind and the detention orders in the present case, are liable to be quashed.

7. Accordingly, the detention orders passed by the second respondent in C.No.82/G/IS/TIRUPPUR CITY/2024, C.No.83/G/IS/TIRUPPUR CITY/2024, C.No.81/G/IS/TIRUPPUR CITY/2024 and C.No.91/G/IS/TIRUPPUR CITY/2024, dated 20.09.2024, 20.09.2024 and 16.10.2024 respectively are hereby set aside and the Habeas Corpus Petitions are allowed. The detenus viz., RUTHIRAMOORTHY M/24 Years Son of Paramasivam, UDHAYA



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DHARSHAN M/24 Years, Son of Ganesan, **SURYAMOORTHY**, M/27 Years, Son of Ganesan and **CHELLADURAI**, M/39 Years, Son of Vellaisamy, now confined at Central Prison, Coimbatore, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

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

27.01.2025

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



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To

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Secretariat,
Chennai – 600 009.
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Home Prohibition and Excise Department,
Secretariat,
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3. Commissioner of Police/Detaining Authority,
Tiruppur City,
Tiruppur.
4. The Superintendent,
Central Prison,
Coimbatore.
5. State rep. By
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur District.
6. The Joint Secretary to Government
Public (Law and Order),
Fort ST.George, Chennai – 9.
7. The Public Prosecutor,
Madras High Court.



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S.M.SUBRAMANIAM, J.
AND
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