



WEB COPY



HCP.No.2912 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2912 of 2024

Rekha

... Petitioner/Mother
of the detainee

Vs.

1. State of Tamil Nadu,
Represented by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai.
4. The Superintendent of Prison,
Central Prison - II,
Puzhal,
Chennai - 600 066.

... 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 records relating to the detention order in Memo No.1019/BCDFGISSSV/2024 dated 04.10.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Nivaskumar @ Solai Nivas, S/o. Moorthy, aged about 24 years, the detenue, now confined in Central Prison - II, Puzhal, Chennai before this Court and set the petitioner's son Nivaskumar @ Solai Nivas, S/o.Moorthy, aged about 24 years the detenu at liberty.

For Petitioner : Mr.R.Muthukumar

For Respondents : Mr. R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The preventive detention order passed by the second respondent dated 04.10.2024 is sought to be quashed in the present habeas corpus petition.



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2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. The impugned detention order has been issued based on four adverse cases and the ground case.

4. The four adverse cases relied on were registered in the year 2019, 2021, 2022 and 2023 and have no proximity with the ground case. The ground case is a case of attempt of murder on account of certain personal disputes. Such nature of cases can be dealt with by the Police Authorities under the ordinary law. Therefore, we are of the considered opinion that the element of likelihood of causing breach of public order is missing and the subjective assessment as made by the detaining Authority is not in consonance with the provisions of the Act 14 of 1982.

5. Hence, for the aforesaid reasons, the detention order passed by the 2nd respondent, in proceedings No.1019/BCDFGISSSV/2024 dated



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04.10.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**.

The detenu viz., Nivaskumar @ Solai Nivas, aged 24 years, S/o. Moorthy 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.]
03.01.2025

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



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To

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1. State of Tamil Nadu,
Represented by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George, 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,
Vepery, Chennai - 600 007.
4. The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai.
5. The Superintendent of Prison,
Central Prison - II,
Puzhal,
Chennai - 600 066.
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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