



H.C.P.No.3053 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.3053 of 2024

Kalaivani
W/o Parthiban

.. Petitioner

v.

1. The Secretary to the Government
Government of Tamil Nadu
(Home) Prohibition and Excise Department
Secretariat, Fort St.George
Chennai 600 009
2. The District Collector and District Magistrate
Chengalpattu District
Chengalpattu
3. The Superintendent of Police
Chengalpattu District
Chengalpattu
4. The Inspector of Police
Chengalpattu Taluk Police Station
Chengalpattu District



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5. The Superintendent of Prison
Central Prison, Puzhal
Chennai 600 066

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the entire records connected with the order of the 2nd respondent herein in CPT No.19/2024 dated 11.11.2024 passed against the petitioner's husband the detenu namely Partheban @ Nondi Parthiban, S/o Raja, aged about 35 years as a Drug Offender, who is confined at Central Prison, Puzhal, Chennai 600 066 and set aside the same, consequently directing the respondents herein to produce the detenu before this Hon'ble Court and set him at liberty forthwith.

For Petitioner :: Mr.A.Murugavel

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 CPT No.19/2024 dated 11.11.2024 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.



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3. One adverse case has been relied on for the purpose of detaining the detenu. The ground case facts reveal that 2.500 Kgs of ganja has been recovered from the detenu. The recovery made cannot be construed as commercial quantity. More so the adverse case has no proximity with the ground case. The criminal case registered shall be dealt with by the police authorities under the ordinary law. We do not find any reason to allow the preventive detention to go on. Thus we are inclined to interfere with the impugned detention order.

4. Accordingly, the detention order passed by the second respondent in proceedings CPT No.19/2024 dated 11.11.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Partheban @ Nondi Parthiban, S/o Raja, aged 35 years, now confined at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

Index : yes
Neutral citation : yes/no
ss
To

(S.M.S.,J.) (M.J.R.,J.)
21.01.2025



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6. The Public Prosecutor
High Court, Madras



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AND

M.JOTHIRAMAN,J.

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