



WEB COPY



HCP.No.3098 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3098 of 2024

Pachaiyammal

... Petitioner/Detenu's Mother

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The District Magistrate,
and District Collector,
Kallakurichi District,
Kallakurichi.

3.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.

4.The Superintendent,
Central Prison, Cuddalore.

5.The Inspector of Police,
Kallakurichi Police Circle,
Kallakurichi District.

... Respondents



HCP.No.3098 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, or any other appropriate writ order or direction in the nature of writ, calling for the entire records relating to the Impugned order of Detention passed by the Second Respondent in D.No.C2/63/2024 dated 16.10.2024 and set aside the same and consequently direct the respondents to produce the detenu Ajithkumar, son of Palanisamy, aged about 24 years, petitioner's son now confined at Central Prison, Cuddalore before this Honble Court and set him at Liberty.

For Petitioner : Mr.S.Saravana Kumar
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 D.No.C2/63/2024 dated 16.10.2024 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.



HCP.No.3098 of 2024

3. Two adverse cases have been registered in the year 2023 is relied upon for issuing the impugned detention order. However, those cases have no proximity with the ground case. In the ground case, charge sheet has already been filed through online by the police authorities. Therefore, the said case can be dealt with by the police authorities under the ordinary law. Keeping the detainee under the Preventive Detention Law any more may not be required and therefore, we are inclined to interfere.

4. Accordingly, the impugned order of detention passed by the second respondent in D.No.C2/63/2024 dated 16.10.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Ajithkumar, S/o.Palanisamy, aged about 24 years, now confined in Central Prison, Cuddalore, 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.]
24.01.2025

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



HCP.No.3098 of 2024

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Magistrate,
and District Collector,
Kallakurichi District,
Kallakurichi.
- 3.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.
- 4.The Superintendent,
Central Prison, Cuddalore.
- 5.The Inspector of Police,
Kallakurichi Police Circle,
Kallakurichi District.
- 6.The Joint Secretary to Government,
Public (Law & Order),
Fort St.George,
Chennai.
- 7.The Additional Public Prosecutor,
Madras High Court.



WEB COPY



HCP.No.3098 of 2024

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

kak

H.C.P.No.3098 of 2024

24.01.2025