



WEB COPY



HCP.No.3112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3112 of 2024

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... Petitioner/Wife of the detenu

Vs.

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Police/Detaining Authority,
Coimbatore City,
Coimbatore District.
- 3.The Superintendent of Prison,
Central Prison – Coimbatore,
Coimbatore District.
- 4.State rep.by its
The Inspector of Police,
PEW – Coimbatore City,
Coimbatore District.

... Respondents

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



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nature of writ, to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 15.11.2024 on the file of the second respondent herein made in proceedings C.No.124/G/IS/2024, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband M.Suryakumar @ Surya, S/o.Mohan, aged 33 years before this Hon'ble High Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

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 C.No.124/G/IS/2024 dated 15.11.2024 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. Based on one adverse case and the ground case, the impugned detention order has been issued. The adverse case was registered in Crime No.156 of 2023 under Sections 8 © r/w 20 (b) (ii) (B), 25 and 29 (1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act'). The ground case also has been registered under the NDPS Act. The adverse case has no close proximity with the ground case. Therefore, both the cases can be dealt with by the police authorities under the ordinary law. The reasons stated in the order impugned to invoke the Preventive Detention Law would be insufficient and therefore, we are inclined to interfere.

4. Accordingly, the impugned order of detention passed by the second respondent in C.No.124/G/IS/2024 dated 15.11.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, M.Suryakumar @ Surya, S/o.Mohan, aged about 33 years, now confined in Central Prison, Coimbatore, 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.]
02.01.2025

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

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- 5.The Additional Public Prosecutor,
Madras High Court.



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