



H.c.P.No.3152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :22.01.2025

CORAM :

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

H.C.P.No.3152 of 2024

Rajapriya

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Home Prohibition and Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The District Collector and
District Magistrate of Krishnagiri,
Krishnagiri,
Krishnagiri District.
- 3.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
- 4.The Superintendent of Prison,
Central Prison,
Salem,
Salem District.



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5.The Inspector of Police,
Singarapettai Police Station,
Krishagiri District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 24.10.2024 in his office SC.NO.39 of 2024 against the petitioner's father by name THIRU. Lavakrishnan , S/O. Varathan, aged about 60 years, now confined at Central Prison, Salem, Salem District and set aside the same and direct the respondents to produce the above said detenue before this Court and set him at liberty.

For Petitioner : Ms.S.Priyadarshini

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 2nd respondent in proceedings SC.NO.39 of 2024 dated 24.10.2024 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.



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3. Based on the solitary ground case, the impugned order of detention has been issued. The facts of the ground case reveals that, a property dispute exist within the family, which resulted in commission of the alleged offence. Such nature of offence can be dealt with by the Police Authorities under the ordinary law. The Detaining Authority could not able to establish that there is a likelihood of causing breach of public order and thus, the invocation of preventive detention law became unnecessary.

4. 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.

5. 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 order in the present case, is liable to be quashed.



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6. Accordingly, the detention order passed by the second respondent in Proceedings SC.NO.39 of 2024 dated 24.10.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Lavakrishnan, S/O. Varathan, aged about 60 years, now confined at Central Prison, Salem, Salem District, 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.]

22.01.2025

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

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1. The Additional Chief Secretary to Government,
Home Prohibition and Excise (XVI) Department,
Fort St. George, Secretariat,
Chennai – 600 009.
2. The District Collector and
District Magistrate of Krishnagiri,
Krishnagiri,
Krishnagiri District.
3. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
4. The Superintendent of Prison,
Central Prison,
Salem,
Salem District.
5. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri 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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AND
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