



WEB COPY



HCP.No.3273 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.3273 of 2024

Jansirani

... Petitioner

Vs.

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



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5. The Inspector of Police,
PEW-Vellore Police Station,
Vellore District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed in C3/D.O.NO.105/2024 dated 28.11.2024 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's husband by name in Ramarajan aged about 32 years before this Hon'ble Court, now confined in Central Prison, Salem and set him at liberty.

For Petitioner : Mr.C.Deepakkumar

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 C3/D.O.NO. 105/2024 dated 28.11.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.



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3. Three adverse cases are relied on for issuing the impugned detention order. One NDPS case and two cases registered under Prohibition Act are relied on cases. The ground case is also registered under Prohibition Act. All those cases can be dealt with by the Police authorities under the ordinary law. Therefore, keeping the detinue under the Preventive Detention Law may not be required and therefore, we are inclined to interfere with the impugned order.

4. Accordingly, the impugned order of detention passed by the 2nd respondent in C3/D.O.NO.105/2024 dated 28.11.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detinue, namely, Ramarajan, S/o.Kasi, aged about 32 years, now confined in Central Prison, Salem, 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

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To

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



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

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