



WEB COPY



HCP.No.3246 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.3246 of 2024

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... Petitioner/Friend of the detenu

Vs.

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Commissioner of Police,
Tiruppur City.

3.The Superintendent of Prison,
Central Prison, Coimbatore – 18.

4.The Inspector of Police,
South Police Station,
Tiruppur City.

... 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 nature of writ, to call for the records in connection with the order of detention



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passed by the second Respondent dated 24.09.2024 in C.No.85/D.O./IS/Tiruppur City/2024 against the petitioner's Friend Manirul Gazi, male aged 30 yrs S/o. Arfact, who is confined at Central Prison, Coimbatore and set aside the same and direct the respondent to produce the detenue before this Hon'ble Court and set him Liberty.

For Petitioner : Mr.S.Selvakumar
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 C.No.85/D.O./IS/Tiruppur City/2024 dated 24.09.2024 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.

3. Based on the ground case, the impugned detention order has been issued. The facts as narrated for registering the ground case would be insufficient to form



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an opinion that there is a likelihood of causing breach of public order warranting invocation of Act 14 of 1982. Since the ground case can be dealt with by the authorities under the law of the land, we are inclined to interfere with the impugned detention order.

4. Accordingly, the detention order passed by the second respondent in proceedings C.No.85/D.O./IS/Tiruppur City/2024 dated 24.09.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Manirul Gazi, S/o.Arfat, aged 30 years, now confined at Central Prison, Coimbatore 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.]
02.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To
1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.



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2. The Commissioner of Police,
Tiruppur City.

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4. The Inspector of Police,
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5. The Additional Public Prosecutor,
Madras High Court.



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

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