



HCP.No.3258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3258 of 2024

Usharani

... Petitioner/Mother of the detenu

Vs.

1. The State of Tamil Nadu,
Represented by its Additional Chief Secretary
to Government,
Prohibition and Excise Department (Home),
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Thiruvarur District,
Thiruvarur.
3. The Superintendent of Police,
Thiruvarur District,
Thiruvarur.
4. The Superintendent of Prison,
Central Prison,
Thiruchirapalli.
5. The Inspector of Police,
Kalappal Police Station,
Thiruvarur District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records pertaining to the detention order dated 24.10.2024 in C.O.C.No.48/2024 passed by the 2nd respondent and issue a direction to produce the body of the detenu named Madhavan, S/o.Mathivanan, aged 24 years, presently confined at Central Prison, Thiruchirapalli before this Court and set him at liberty forthwith and quash the same.

For Petitioner	: Mr.Swamisubramanian
For Respondents	: Mr. R.Muniyapparaj
	Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble *S.M.SUBRAMANIAM, J.*)

The writ of habeas corpus has been filed challenging the detention order passed by the second respondent in proceedings C.O.C.No.48/2024 dated 24.10.2024.

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

3. One adverse case has been relied on for the purpose of invoking Act 14 of 1982. The facts of the ground case reveals that personal dispute existed between the complainant and the detenu regarding the



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murder occurred in the year 2013. Thus, the said case cannot be a ground for forming an opinion that there is a likelihood of causing breach of public order. Regarding the adverse case is concerned, it is also under investigation. Therefore, the Police Authorities are expected to expedite the investigation and proceed with the case by following due procedures. Thus, the preventive detention in the present case is unnecessary.

4. Accordingly, the detention order passed by the second respondent in proceedings C.O.C.No.48/2024 dated 24.10.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., Madhavan, aged 24/2024, S/o. Mathivanan, confined at Central Prison, Tiruchirappalli is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
27.01.2025

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



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To

WEB COPY

1. The State of Tamil Nadu,
Represented by its Additional Chief Secretary
to Government,
Prohibition and Excise Department (Home),
Fort St.George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The District Collector and District Magistrate,
Thiruvarur District,
Thiruvarur.
4. The Superintendent of Police,
Thiruvarur District,
Thiruvarur.
5. The Superintendent of Prison,
Central Prison,
Thiruchirapalli.
6. The Inspector of Police,
Kalappal Police Station,
Thiruvarur District.
7. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
M.JOTHIRAMAN, J.

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