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H.C.P.No.3308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.3308 of 2024

Valliyamma
W/o Thirumalai .. Petitioner

v.

1. The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009
2. District Collector & District Magistrate
Tirupathur District, Tirupathur 635 601
3. The Superintendent of Police
Tirupathur District, Tirupathur-1
4. The Superintendent of Prison
Central Prison, Vellore-2
5. The Inspector of Police
Vaniyambadi PEW Police Station
Tirupathur District .. Respondents

Petition filed under Article 226 of the Constitution of India, praying



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for issuance of a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 11.12.2024 in C3/D.O.No.65/2024 against the petitioner's husband Thirumalai alias Karuvadu, Male, aged 33 years, S/o Thangaraj, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner :: Mr.D.Balaji

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 C3/D.O.No.65/2024 dated 11.12.2024 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. Three adverse cases have been relied on for the purpose of detaining the detenu. The detenu has been arrested on 13.11.2024. The



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detention order was issued on 11.12.2024. The adverse cases registered against the detenu have no proximity with the ground case. The ground case registered under the Tamil Nadu Prohibition Act can be dealt with by the police authorities under the ordinary law. Since the element of public disorder has not been established and the detaining authority failed to make a subjective satisfaction for the purpose of invoking Act 14 of 1982, we are inclined to interfere with the impugned detention order.

4. Accordingly, the detention order passed by the second respondent in proceedings C3/D.O.No.65/2024 dated 11.12.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Thirumalai alias Karuvadu, S/o Thangaraj, aged 33 years, now confined at Central Prison, Vellore is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

Index : yes

Neutral citation : yes/no

(S.M.S.,J.)

(M.J.R.,J.)

24.01.2025

SS



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6. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

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