



WEB COPY



HCP.No.3284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3284 of 2024

Prema

... Petitioner/Wife of the
Detenu

Vs.

1. State of Tamil nadu,
Represented by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Inspector of Police,
N4, Fishing Harbour Police Station,
Chennai.
4. The Superintendent,
Central Prison, Puzhal, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 27.11.2024 on the file of the second respondent herein



HCP.No.3284 of 2024

made in proceedings No.1169/BCDFGISSSV/2024 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's husband namely Sankar, aged 34 years, Son of Nalini Sekar before this Court and set him at liberty, now petitioner's husband detained at Central Prison, Puzhal, Chennai - 600 066.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The writ of habeas corpus has been filed challenging the detention order passed by the second respondent in proceedings No.1169/BCDFGISSSV/2024 dated 27.11.2024.

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



HCP.No.3284 of 2024

3. There is no adverse case relied on for the purpose of invoking

Act 14 of 1982 in the present case. Based on the ground case, the detenu was detained. The quantity of Ganja recovered cannot be construed as commercial quantity. That being so, the preventive detention is unnecessary.

4. Accordingly, the detention order passed by the second respondent in proceedings No.1169/BCDFGISSSV/2024 dated 27.11.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., Sankar, aged 34 years, S/o. Nalini confined at Central Prison, Puzhal, Chennai 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.]
20.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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HCP.No.3284 of 2024

To

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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Greater Chennai.
4. The Inspector of Police,
N4, Fishing Harbour Police Station,
Chennai.
5. The Superintendent,
Central Prison, Puzhal, Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



WEB COPY



HCP.No.3284 of 2024

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

veda

H.C.P.No.3284 of 2024

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