



WEB COPY



HCP.No.3283 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.3283 of 2024

Shanthi

... Petitioner/Aunty of the
Detenu

Vs.

1. The 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,
D-4, Zam Bazaar 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 records relating to petitioner's brother son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 28.11.2024 on the file of the second respondent herein made in



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proceedings No.1176/BCDFGISSSV/2024 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's brother son namely Yowan, aged 24 years, son of Murugan, before this Court and set him at liberty, now petitioner's brother son 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.1176/BCDFGISSSV/2024 dated 28.11.2024.

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. Two adverse cases are relied on along with the ground case for issuing the impugned order of detention. The first adverse case was registered in the year 2021 and has no proximity with the ground case. The second adverse case was registered in Cr.No.35 of 2024 under NDPS Act. The ground case is that the detenu attempted to snatch away cash of Rs.300/- from the pocket of the complainant.

4. Such nature of offences registered can be dealt with by the Police Authorities under the Ordinary Law. Subjective satisfaction of the detaining Authority is essential for the purpose of invoking Act 14 of 1982. Involvement of a person in a criminal case would be insufficient and materials relied on must establish that there is likelihood of causing breach of public order. Since, the said element is missing in the present case, we are inclined to interfere with the order impugned.

5. Accordingly, the detention order passed by the second respondent in proceedings No.1176/BCDFGISSSV/2024 dated 28.11.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz.,



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Yowan, aged 24 years, S/o. Murugan 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
veda



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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,
D-4, Zam Bazaar Police Station, Chennai.
5. The Superintendent,
Central Prison, Puzhal, Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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

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