



HCP.No.3286 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.3286 of 2024**

Vijayalakshmi

... Petitioner/Mother 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 Superintendent of Prison,  
Central Prison, Puzhal,  
Chennai.
4. State represented by  
Inspector of Police,  
T-4, Madhuravoyal Police Station,  
Chennai.

... 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 of the 2nd respondent pertaining to the order made in Memo No.1225/BCDFGISSSV/2024 dated 11.12.2024 in detaining the detenu under the Tamil Nadu Act 14 of 1982 as a brand of Goonda and quash the same and direct the respondents to produce the detenu, the petitioner's son Sivakumar @ Kittu Poonai, S/o. Elangovan, aged 22 years, who is detained at the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.S.Karthick

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.1225/BCDFGISSSV/2024 dated 11.12.2024.

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 for issuing the impugned detention order. The first adverse case was registered in the year 2021 and has no proximity. The second adverse case was registered in the year 2023. The ground case was registered under NDPS Act in Crime No.1287 of 2024. Since the drug involved cannot be construed as commercial quantity, preventive detention in the present case may not be required. Such nature of offences can be dealt with by the Police Authorities under the ordinary Law.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in proceedings No.1225/BCDFGISSSV/2024 dated 11.12.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., Sivakumar @ Kittu Poonai, S/o. Elangovan 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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To

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1. State of Tamil Nadu,  
Represented by its 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 Superintendent of Prison,  
Central Prison, Puzhal,  
Chennai.
5. State represented by  
Inspector of Police,  
T-4, Madhuravoyal Police Station,  
Chennai.
6. The Public Prosecutor,  
Madras High Court,  
Chennai - 104.



WEB COPY



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

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