



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

HABEAS CORPUS PETITION(MD)No.1385 of 2014

Mariappan @ Pavor Mariappan

..Petitioner

Vs.

1.The Secretary to Government,
Department of Cooperation,
Food and Consumer Protection Department,
Secretariat, Chennai - 600 009.

2.The District Collector and
District Magistrate,
Office of the District Collector and
District Magistrate,
Tirunelveli District.

3.The Additional Secretary to
Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution,
(Department of Consumer Affairs),
Room No.270, Krishi Bhavan,
New Delhi - 110 001.

4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

..Respondents

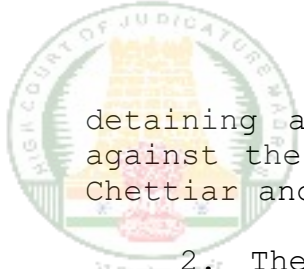
Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus praying to call for the entire records connected with the detention order of the respondent No.2 in MHS Confdl.No.84/2014, dated 10.11.2014 and quash the same and direct the respondents to produce the body or person of the detenu by name Mariappan @ Pavor Mariappan, Son of Ramaiah Chettiar, aged about 48 years, now detained in Palayamkottai Central Prison before this Court and set him at liberty forthwith and pass such further or other orders.

For Petitioner	: Mr.R.Alagumani
For RR 1, 2 & 4	: Mr.A.Ramar
	Additional Public Prosecutor
For R - 3	: Mr.G.R.Swaminathan

ORDER

(Order of the Court was made by A.SELVAM, J)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the detention order passed in MHS Confdl.No.84/2014, dated 10.11.2014 by the



detaining authority, who has been arrayed as second respondent herein against the detenu by name Mariappan @ Pavor Mariappan, Son of Ramaiah Chettiar and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, Civil Supplies CID., Tirunelveli as sponsoring authority has submitted an affidavit to the detaining authority, wherein it is stated that the detenu has involved in the following adverse case:

Crime No.285 of 2014 on the file of Tirunelveli Civil Supplies Criminal Investigation Department registered under Section 6(4) of TNSC (RDCS) Order 1982 read with 7(1)(a)(ii) of the Essential Commodities Act, 1955.

3. Further it is stated in the affidavit that on 05.11.2014, the detenu has been found in illegal possession of 600 kgs of PDS rice and consequently a case has been registered in Crime No.287 of 2014 under section 6(4) of TNSC (RDCS) Order 1982 read with 7(1)(a)(ii) of the Essential Commodities Act, 1955 and ultimately requested the detaining authority to invoke Central Act 7 of 1980 against the detenu.

4. The detaining authority viz., the second respondent herein, after perusing the averments made in the affidavit and other connected documents has derived subjective satisfaction to the effect that the detenu is a habitual offender and ultimately branded him as 'Black Marketeer' by way of passing the impugned detention order and in order to quash the same, the present Habeas Corpus Petition has been filed by the detenu himself as petitioner.

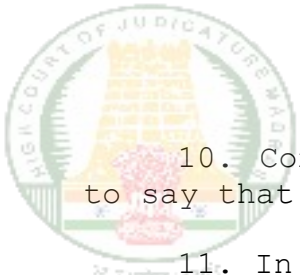
5. On the side of the third respondent a counter has been filed wherein it has been contended to the effect that since the State Government has sent Tamil version of the representation, the same has been directed to submit English version, but so far the State Government has not submitted the same.

6. In the counter filed on the side of the remaining respondents it is stated that all the averments made in the petition are false and therefore, the detention order does not require any interference.

7. The learned counsel appearing for the petitioner has contended that on the side of the detenu a representation has been submitted and the same has not been disposed of without delay and further as directed by the Central Government, the State Government has failed to submit English version of the representation. Under the said circumstances, the detention order in question is liable to be quashed.

8. The learned Additional Public Prosecutor has contended that the representation submitted on the side of the detenu has been duly considered and disposed of without delay and therefore, the detention order in question is not liable to be quashed.

9. On the side of the respondents, a proforma has been submitted wherein it has been clearly stated that in between Column Nos.7 to 9, seven clear working days are available. Further, it is seen from the counter filed on the side of the third respondent that the Central Government has directed the State Government to submit English version of the representation, but the same has not been complied with.



10. Considering the aforesaid factual circumstances, it is needless to say that the detention order in question is liable to be quashed.

11. In fine, this Habeas Corpus Petition is allowed and the detention order dated 10.11.2014 passed in MHS Confdl.No.84/2014 by the second respondent/detaining authority is quashed and consequently the detenu viz., Mariappan @ Pavoor Mariappan, Son of Ramaiah Chettiar is ordered to be set at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
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- 2.The District Collector and
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- 5.The Inspector of Police,
Civil Supplies CID., Tirunelveli
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.R.Alagumani, Advocate in SR.11245

H.C.P (MD) No.1385 of 2014
09.03.2015

ps

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