



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION (MD) No.12 of 2015

Karuppu @ Karuppasamy

..Petitioner

Vs.

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

2.The District Collector and
District Magistrate,
Madurai District,
Madurai.

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,
Madurai Central Prison,
Madurai.

..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 entire records connected with the detention order of the respondent No.2 in C.M.P.No.06/2014 (CS), dated 18.12.2014 and quash the same and direct the respondents to produce the detenu namely Karuppu @ Karuppasamy, Son of Naguthevar, aged about 41 years, detained in Madurai 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 : No appearance

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 C.M.P.No.06/2014 (CS), dated 18.12.2014 by the detaining authority, who has been arrayed as second respondent herein



against the detenu by name Karuppu @ Karuppasamy, Son of Naguthevar and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, Madurai Civil Supplies CID., Unit 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.474 of 2014 Madurai Civil Supplies CID Unit registered under Sections 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 12.12.2014, the Inspector of Police, Madurai Civil Supplies CID Unit has found the detenu in possession of PDs rice in 18 bags and consequently, a case has been registered in Crime No.515 of 2014 under sections 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, after considering 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. Despite of repeated adjournments on the side of the respondents, counter has not been filed.

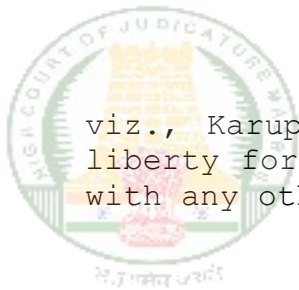
6. The learned counsel appearing for the petitioner/detenu has contended that in the detention order at paragraph No.3, it has been specifically mentioned that in the years 2008, 2010 and 2011, the detenu has committed similar type of offences and consequently, he has been detained by way of passing detention orders and the particulars have not been furnished and further, the same have not been shown as adverse cases. Under the said circumstances, the detention order in question is liable to be quashed.

7. As pointed out earlier in the detention order the detaining authority has mentioned an adverse case registered in Crime No.474 of 2014.

8. As rightly pointed out on the side of the petitioner/detenu, in the detention order it has been mentioned that in the years 2008, 2010 and 2011, the detenu has committed similar offences and consequently, detention orders have been passed, but the particulars of those cases have not been furnished to the detenu nor mentioned in the adverse cases.

9. Considering the aforesaid facts and circumstances, the detention order is suffers from flaw and therefore, the same is liable to be quashed.

10. In fine, this Habeas Corpus Petition is allowed and the detention order passed in C.M.P.No.06/2014 (CS), dated 18.12.2014 by the second respondent/detaining authority is quashed and consequently the detenu



viz., Karuppu @ Karuppasamy, Son of Naguthevar is ordered to be set at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1. THE SECRETARY TO GOVERNMENT
DEPARTMENT OF CO-OPERATION, FOOD AND CONSUMER PROTECTION,
SECRETARIAT, CHENNAI.
2. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, MADURAI DISTRICT,
MADURAI.
3. THE ADDITIONAL SECRETARY TO GOVT OF INDIA,
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION,
DEPT OF CONSUMER AFFAIRS, ROOM NO.270, NEW DELHI.
4. THE SUPERINTENDENT OF PRISON, MADURAI CENTRAL PRISON, MADURAI.
(IN DUPLICATE FOR COMMUNICATE TO THE DETENUE)
5. THE JOINT SECRETARY TO GOVT., PUBLIC (LAW & ORDER), FOR ST.GEROME,
CHENNAI-9.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.S.Balakrishnan, Advocate in SR.14562

+1CC to M/s.R.Alagumani, Advocate in SR.15010

H.C.P(MD)No.12 of 2015

25.03.2015

ps

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