



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.93 of 2015

N.Mahendiran

.. Petitioner

Vs.

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

2.The Secretary,
Government of Tamil Nadu,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Fort St. George,
Chennai - 600 009.

3.The District Collector and
District Magistrate,
Nagapattinam District,
Nagapattinam.

4.The Inspector of Police,
CSCID, Nagapattinam. .. 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 records pertaining to the order of detention passed by the third respondent in his proceedings in C.O.C.No.01/2015, dated 04.01.2015 and quash the same as illegal and produce the detenu, namely Rethinakumar, Son of Nagarajan, aged about 32 years, now he is confined in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.T.Lenin Kumar

For R - 1 : No appearance

<https://hcservices.courts.gov.in/hcservices/> 4 : Mr.A.Ramar, Additional Public Prosecutor

**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.O.C.No.01/2015, dated 04.01.2015 by the detaining authority, who has been arrayed as third respondent herein against the detenu by name Rethinakumar, Son of Nagarajan and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, Civil Supplies CID, Nagapattinam 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.398 of 2014 Civil Supplies CID, Nagapattinam unit registered under Sections 6(4) of TNSC (RDCS) Order 1982 read with 7(i)(a)(ii) of the Essential Commodities Act, 1955.

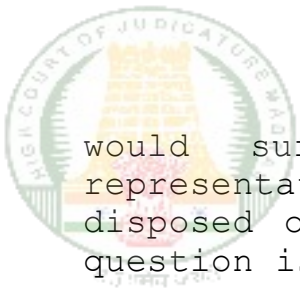
3. Further it is stated in the affidavit that on 05.12.2014, the Inspector of Police, Civil Supplies CID, Nagapattinam unit has found the detenu in possession of some quantities of ration rice weighing 1100 kgs and consequently, a case has been registered in Crime No.458 of 2014 under sections 6(4) of TNSC (RDCS) Order 1982 read with 7(i)(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 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 brother of the detenu as petitioner.

5. Despite of repeated adjournments given to the respondents, counter has not been filed. Under the said circumstances, this petition is disposed of on merits.

6. The learned counsel appearing for the petitioner has contended that on the side of the detenu two representations have been submitted on 13.01.2015 and 19.01.2015 and the same have not been disposed of without delay. Under the said circumstances, the detention order in question is liable to be quashed.

7. In fact, this Court has perused the rejection order, dated 24.02.2015 wherein it has been clearly seen that the rejection order has been passed after a lapse of 42 days and that itself



would be sufficient for coming to a conclusion that the representations submitted on the side of the detenu are not duly disposed of without delay and therefore, the detention order in question is liable to be quashed.

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8. In fine, this Habeas Corpus Petition is allowed and the detention order passed in C.O.C.No.01/2015, dated 04.01.2015 by the third respondent/detaining authority is quashed and consequently the detenu viz., Rethinakumar, Son of Nagarajan is ordered to be set at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(C.O.,)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Additional Secretary, Government of India,
Ministry of Consumer Affairs, Food and Public Distribution,
(Department of Consumer Affairs), Room No.270, Krishi Bhavan,
New Delhi - 110 001.
- 2.The Secretary, Government of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
Secretariat, Fort St. George, Chennai - 600 009.
- 3.The District Collector and District Magistrate,
Nagapattinam District, Nagapattinam.
- 4.The Inspector of Police, CSCID, Nagapattinam.
- 5.The Joint Secretary to Government of Tamilnadu,
Public (Law & order) Department, Fort St.George, Chennai-9.
- 6.The Superintendent, Central Prison, Tiruchirappalli.
[in duplicate to communicate the detenu]
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.T.Lenin Kumar, Advocate, in SR. No.14618.

ORDER MADE IN
H.C.P (MD) No.93 of 2015
25.03.2015