

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2016

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

HCP.No.3050/2015

Ranjitha.M

..Petitioner

Vs

1.The State of Tamil Nadu
Rep by its Secretary
Department of Co-operative,
Food and Consumer Protection
2nd Floor, Namakkal Kavingar Maligai
Secretariat, Chennai.

2.The District Magistrate & District Collector
Thiruvannamalai District
Thiruvannamalai.

3.The Additional Secretary
Department of Consumer Affairs
Room No.270, Krishi Bhavan
New Delhi.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus calling for the records in D.O.No.56/2015-C2 dated 03.11.2015 on the file of the 2nd respondent herein and quash the same as illegal and further direct the respondents to produce the detenu D.Murali S/o Dhanapal, aged about 24 years, now confined at Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.A.N.Thambidurai
Addl.Public Prosecutor
for RR1 and 2

Mr.S.Arockiam,
CGSC for R3

ORDER

[Order of the court was delivered by S.NAGAMUTHU, J.]

The Petitioner, who is the wife of the detenu, viz., D.Murali, Son of Dhanapal, aged 24 years, has filed this petition challenging the order of detention passed by the 2nd respondent in D.O.No.56/2015-C2 dated 03.11.2015, branding her husband as a "BLACK MARKETER" under Section 3[1] r/w 3[2][a] of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 [Central Act 7 of 1980].

2. Even though the learned counsel for the petitioner raised many grounds in assailing the impugned order of detention in the petition, he focused his argument on the ground that in connection with Cr.No.128 of 2015 in which the detenu was lodged in Central Prison, Vellore, no application was filed by him seeking bail. When that be so, the satisfaction arrived at by the detaining authority, that there is likelihood of the detenu coming out on bail is absolutely baseless.

3. We have considered the above submissions.

4. As rightly pointed out by the learned counsel for the petitioner, from paragraph 5 of the detention order, it is crystal clear that the detenu had not filed any application seeking bail in Cr.No.128 of 2015. When that be so, it is not explained to the Court as to how the detaining authority had come to the conclusion that there was real possibility of the detenu coming out on bail. This shows the pre-determined mind of the detaining authority. In such view of the matter, the detention order is liable to be quashed.

5. Accordingly, the habeas corpus petition is allowed and the detention order dated 03.11.2015, passed by the 2nd respondent is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Secretary to Government, Tamil Nadu
Department of Co-operative,
Food and Consumer Protection
2nd Floor, Namakkal Kavingar Maligai
Secretariat, Chennai.9

2.The District Magistrate & District Collector
Thiruvannamalai District
Thiruvannamalai.

3.The Additional Secretary
Department of Consumer Affairs
Room No.270, Krishi Bhavan
New Delhi.

4.The Superintendent of Central Prison
Vellore.

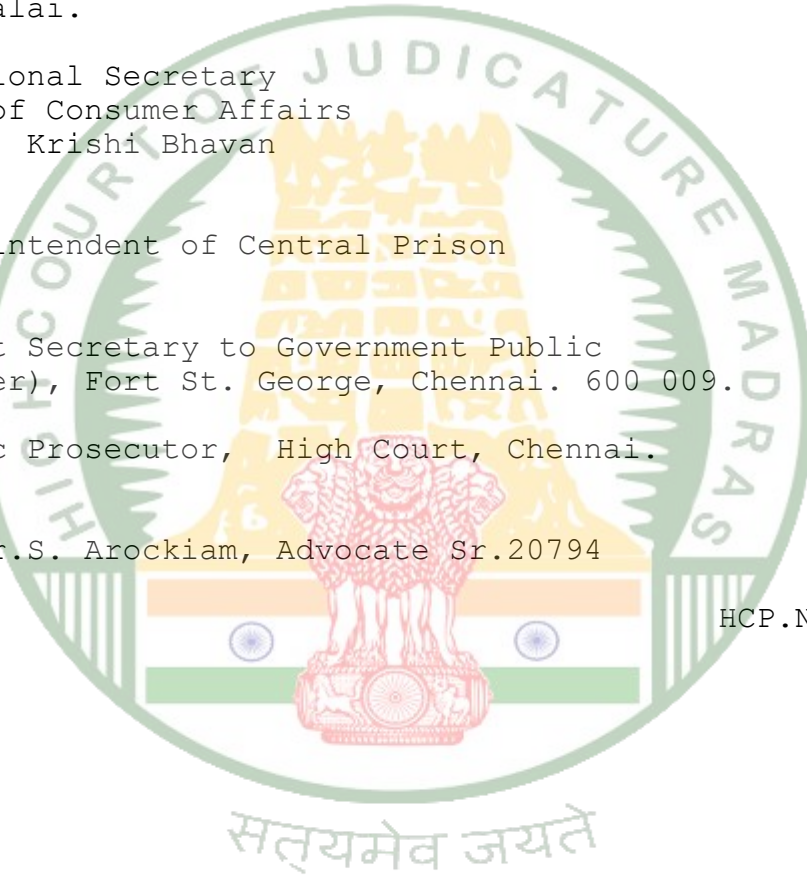
5. The Joint Secretary to Government Public
(Law & order), Fort St. George, Chennai. 600 009.

6.The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.S. Arockiam, Advocate Sr.20794

HCP.No.3050/2015

SKV(CO)
Eu 27.4.16



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