

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.3118/2015

M.Parvathi

..Petitioner/Wife
of the detenue

Vs

1.The State rep by its
Secretary to Government [Home]
Prohibition and Excise Department
Government of Tamil Nadu
Fort St.George
Chennai 600 009.

2.The District Magistrate and
District Collector
Namakkal District
Namakkal.

3.The Union of India
Rep by its Additional Secretary
to Government of India
Ministry 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 pertaining to the order of detention dated 08.10.2015 passed by the 2nd respondent in C.M.P.No.04/PBMMSEC Act/2015/(F3), quash the same and produce the detenu, Manivel aged about 45 years, S/o Kuppusamy, before this Court and set him at liberty and the detenu now confined in Central Prison, Salem.

For Petitioner : Mr.S.Manoharan
For Respondents : Mr.A.N.Thambi Durai
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., Manivel, S/o Kuppusamy, aged 45 years, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 08.10.2015 against her husband branding him as a "Black Marketer" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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 the representation submitted by the petitioner has not at all been considered by the Government.

3. The learned Additional Public Prosecutor, on instructions, submits that it is true that such representation submitted by the petitioner was received by the Government on 07.01.2016. But, so far, no remarks have been received from the detaining authority and as a result, the representation could not be disposed of by the Government.

4. The said statement made by the learned Additional Public Prosecutor is recorded. Since the representation made by the petitioner has not been considered by the Government, we are of the view that the impugned order is liable to be set aside.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 08.10.2015, passed by the second respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The State rep by its
Secretary to Government [Home]
Prohibition and Excise Department
Government of Tamil Nadu
Fort St.George, Chennai 600 009.

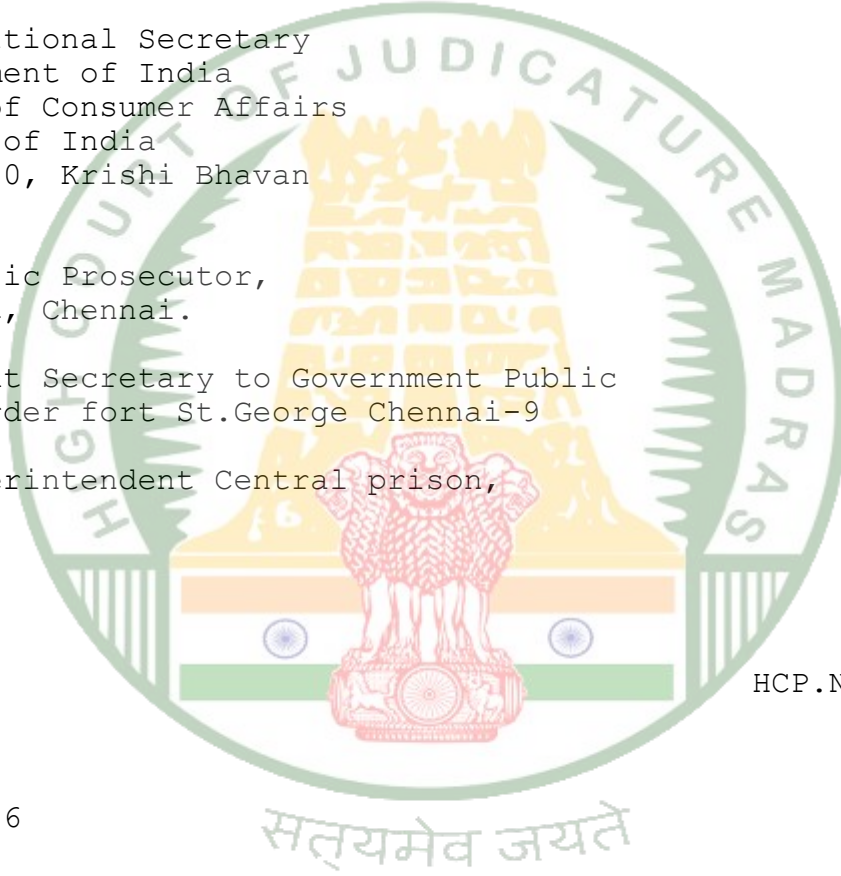
2.The District Magistrate and
District Collector, Namakkal District, Namakkal.

3.The Additional Secretary
to Government of India
Ministry of Consumer Affairs
The Union of India
Room No.270, Krishi Bhavan
New Delhi.

4.The Public Prosecutor,
High Court, Chennai.

5.The Joint Secretary to Government Public
Law and order fort St.George Chennai-9

6.The Superintendent Central prison,
Salem



HCP.No.3118/2015

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