

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.3125/2015

Sathish

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Petitioner

Vs

1.The Secretary to Government
Department of Consumer Affairs
Government of India
Krishi Bhavan, New Delhi 110 001.

2.The Secretary to the Government
Co Operation Food and Consumer
Protection Dept., Secretariat
Chennai 600 009.

3.District Collector and
District Magistrate
Krishnagiri District
Krishnagiri.

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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 passed by the second respondent dated 18.10.2015 in S.C.No.94/2015 (CS) against the petitioner cousin brother Kumar, Male aged 28 years, S/o Chennappa, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.Arockiam

CGSC for R1

Mr.A.N.Thambi Durai

Addl.Public Prosecutor for RR2 and 3

ORDER

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

The petitioner, who is the cousin of the detenu, viz., Kumar, S/o Chennappa, aged 28 years, has come forward with this petition challenging the detention order passed by the 3rd respondent dated 08.10.2015 against his cousin 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 dated 30.11.2015 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 dated 30.11.2015 submitted by the petitioner was received by the Government on 10.12.2015 and remarks were called for from the detaining authority on 15.12.2015. 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 dated 30.11.2015 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 18.10.2015, passed by the third respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Secretary to Government
Department of Consumer Affairs
Government of India,
Krishi Bhavan, New Delhi 110 001.

2.The Secretary to the Government
Co Operation Food and Consumer
Protection Dept., Secretariat
Chennai 600 009.

3.District Collector and District Magistrate
Krishnagiri District, Krishnagiri.

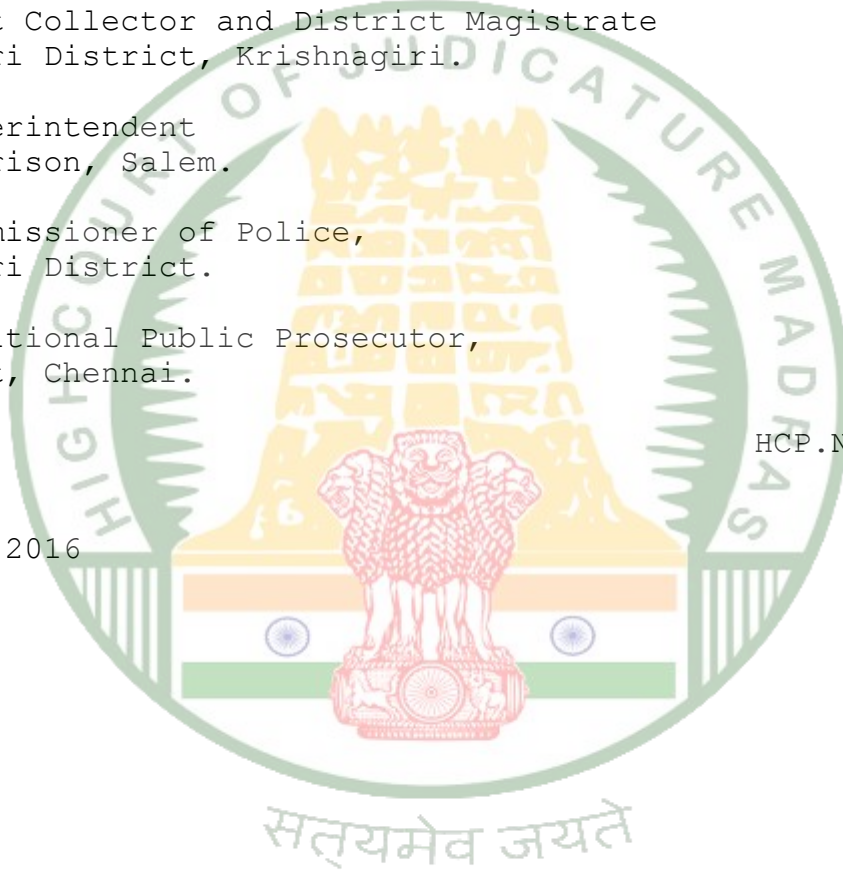
4.The Superintendent
Central Prison, Salem.

5.The Commissioner of Police,
Krishnagiri District.

6.The Additional Public Prosecutor,
High Court, Chennai.

HCP.No.3125/2015

lrs co
kra 27.04.2016



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