

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.3132 of 2015

Seethalakshmi

... Petitioner

Vs

1.The Secretary to Government
Ministry of Consumer Affairs
Food and Public Distribution
(Department of Consumer Affairs)
New Delhi 110 001.

2.The State of Tamil Nadu
rep by its The Secretary to Government
Food and Consumer Protection Dept.,
Chennai 600 009.

3.The District Collector and
District Magistrate
Vellore District
Vellore 9.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus calling for the records relevant to the order passed by the 3rd respondent in C3.D.O.No.102 of 2015 dated 26.10.2015 and quash the same and produce the detenu Kannan who is now detained in Central Prison at Vellore, before this Court and set him at liberty.

For Petitioner : Mr.Sasi Kumar

For Respondents : Mr.S.Arockiam
CGSC for R1

Mr.A.N.Thambi Durai
Additional Public Prosecutor
for RR2 and 3

ORDER

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

The petitioner, who is the wife of the detenu, viz., Kannan, S/o Annadurai, aged 28 years, has come forward with this petition challenging the detention order passed by the 3rd respondent dated 26.10.2015 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 similar case particulars have not been furnished to the detenu. Though in the impugned detention order it is stated that in the similar case registered in Cr.No.48 of 2014 bail was granted to the accused by the learned Judicial Magistrate No.IV, Vellore in CrI.O.P.No.909 of 2014 dated 24.03.2014, the details regarding the same have not been stated and further, the records pertaining to the said case, viz., bail application and bail order copy have not been furnished to the detenu.

3. When these documents were not available before the detaining authority, it is not known as to how the detaining authority had come to the subjective satisfaction by making reference about these non existent documents. Hence, the detention order is liable to be set aside.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 26.10.2015, 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(CS VII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Secretary to Government
Ministry of Consumer Affairs
Food and Public Distribution
(Department of Consumer Affairs)
New Delhi 110 001.

2.The Secretary to Government
State of Tamil Nadu
Food and Consumer Protection Dept.,
Chennai 600 009.

3.The District Collector and
District Magistrate
Vellore District
Vellore 9.

4.The Superintendent of Central Prison,
Vellore.

5.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

6.The Public Prosecutor,
High Court, Chennai.

HCP.No.3132 of 2015

KS(CO)
CA(28/04/2016)

सत्यमेव जयते

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