



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

CORAM:

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THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) Nos.1266, 1288 and 1292 of 2016

R.Vasanthi

.. Petitioner in
H.C.P. (MD) .No.1266/2016

A.Shobia

.. Petitioner in
H.C.P. (MD) .No.1288/2016

Muthusamy

.. Petitioner in
H.C.P. (MD) .No.1292/2016

Vs .

1. The Additional Secretary to Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution,
Room No.270, Krishi Bhavan,
New Delhi - 110001.

2. The State of Tamil Nadu,
rep. by is Secretary to Government,
Food and Consumer Protection Department,
Secretariat, Chennai.

.. Respondents 1 & 2
in all the petitions

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

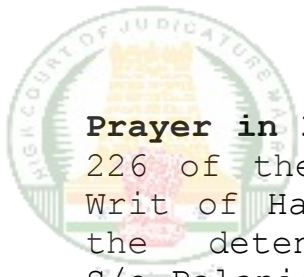
.. 3rd respondent in
H.C.P. (MD) .No.1266/2016

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

... 3rd respondent in
H.C.P. (MD) .Nos.1288 & 1292/2016

4. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

.. Respondent No.4 in
all the petitions



Prayer in H.C.P. (MD) .No.1266 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, calling for the entire records leading to the detention of the petitioner's husband P.Ramamoorthy, S/o.Palanichamy under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1955, vide detention order dated 19.08.2016 on the file of the 3rd respondent herein made in Detention Order C.M.P.No.02/2016 (CS) and quash the same as illegal and consequentially direct the respondents herein to produce the body or person of the said detenu now confined at Central Prison, Madurai, before this Court and thereafter, set him at liberty.

Prayer in H.C.P. (MD) .No.1288 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, calling for the entire records leading to the detention of the petitioner's husband A.Ajmalkhan, S/o.Ahamed Kabeer, aged 37 years, under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1955, vide detention order dated 02.09.2016 on the file of the 3rd respondent herein made in Detention Order No.03/2016 (CS) and quash the same as illegal and consequentially direct the respondents herein to produce the body or person of the said detenu now confined at Central Prison, Madurai, before this Court and thereafter, set him at liberty.

Prayer in H.C.P. (MD) .No.1292 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, calling for the entire records leading to the detention of the petitioner's son Sivanandi, aged 26 years, S/o.Muthusamy, under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1955, vide detention order dated 02.09.2016 on the file of the 3rd respondent herein made in Detention Order No.04/2016 (CS) and quash the same as illegal and consequentially direct the respondents herein to produce the body or person of the said detenu now confined at Central Prison, Madurai, before this Court and thereafter, set him at liberty.

For Petitioners in all
the petitions

: Mr.J.Sulthan Basha,
for M/s.Ajmal Associates.

For 1st respondent in H.C.P. (MD).

Nos.1266 & 1288 of 2016 : Mr.P.Paulpandi,
CGSC

For 1st respondent in H.C.P. (MD).

<https://hcservices.ecourts.gov.in/hcservices> : Mr.N.Shanmuga Selvam,
CGSC



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For respondents 2 to 4 in all
the petitions

: Mr.B.Pugalendhi,
Addl. Advocate General,
assisted by Mr.C.Ramesh
Additional Public Prosecutor

COMMON ORDER

(Order of the Court was made by S.NAGAMUTHU, J)

In these matters, the detenu were detained under Sections 3 (1) read with Section 3(2) (a) of the Prevention of Block Marketing and Maintenance and Supplies of Essential Commodities Act, 1980, by way of preventive detention for a period of six months. Challenging the said detention orders, these Habeas Corpus Petitions have been filed.

2.Today, when these Habeas Corpus Petitions were taken up for hearing, the learned Additional Advocate General submitted that the detention orders have been revoked by the Government, because the detention orders passed by the detaining authorities could not be placed before the Advisory Committee Board which is mandatory under the Act as well as under the Constitution. The reason for the same is that there has been no Board constituted by the Government for a long time. The learned Additional Advocate General submits that now steps are being taken to constitute the Board and put the same in place.

3. In these Habeas Corpus Petitions since the detention orders have been revoked already by the Government, in our considered view, these Habeas Corpus Petitions have become infructuous and accordingly, the same are dismissed as infructuous, however, hoping that the Government will constitute the Board without losing any more time, because in no case in the State, the detention order can be allowed to sustain for want of constitutional report.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



To

1. The Additional Secretary to Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution,
Room No.270, Krishi Bhavan,
New Delhi - 110001.

2. The Secretary to Government,
State of Tamil Nadu,
Food and Consumer Protection Department,
Secretariat, Chennai.

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

4. The District Collector and District Magistrate,
Theni District, Theni.

5. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 3 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 65233, 65231, 65232
+ 2 CC TO Mr.P.PAULPANDI, ADVOCATE IN SR No. 65222, 65223
+ 1 CC TO Mr.N.SHANMUGA SELVAM, ADVOCATE IN SR No. 65155

GCG

TE/CK : 24/11/2016 : 4P/13C

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02.11.2016