

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.10.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1285 of 2017

Srinivasan

... Petitioner

Vs.

1.The Secretary to Government
Food and Consumer Protection Department
Government of India,
New Delhi 110001.

2. The Additional Secretary to Government of India
Department of Consumer Affairs,
Room No.270, Krishi Bhavan,
New Delhi 110001.

3.The Secretary to Government,
Food and Consumer Protection Department
Government of Tamil Nadu,
Fort St. George,
Chennai 600009.

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

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the fourth respondent pertaining to the order made in C.M.P.No.01/PBMMSEC Act/2017(J3) dated 23.05.2017 in detaining the detenu under Section 7 of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980, as a Black Marketer and quash the same and direct the respondents to produce the detenu Rukkumani @ Lakshmi, wife of Mani, aged about 57 years, who is detained at Special Prison for Women, Vellore, before this Court and set her at liberty.

For Petitioner : Mr.O.S. Thilak Pasumbadiyar
For Respondents : Mr.S. Arockiam
Central Government Standing Counsel
[For R1 and R2]

Mr.V.M.R. Rajentran,
Addl. Public Prosecutor [for R3 & R4]

O R D E R

(Order of the Court was made by RAJIV SHAKDER, J)

The prayer made in the petition is to call for records relating to the Detention Order in C.M.P.No.01/PBMMSEC Act/2017/ (J3) dated 23-05-2017 passed by the fourth respondent under Section 7 of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980. The detenu is one Mrs. Rukkumani @ Lakshmi, wife of one Mr.Mani. The petitioner before us is the son of the detenu/Rukkumani @ Lakshmi.

2.Before us one singular submission is made, which is that, there is a non application of mind by the detaining authority in passing the Order dated 23.05.2017. It is stated that in paragraph 6 of the afore stated order, the name of Thiru. Kesavan as against Tmt. Rukkumani @ Lakshmi i.e., the detenu is adverted to. This assertion is found to be correct upon perusal of the order of detention passed by the detaining authority. The detention order alludes to the name of Thiru. Kesavan, who is not connected with the matter anyway.

3. The detenu has been in custody, since, 4.5.2017. The maximum period of detention under the afore mentioned Act is a period of six (6) months. The detenu has nearly completed six months.

4. Given the aforesaid circumstances, we are inclined to quash the detention order.

5. In the result, the Habeas Corpus Petition is allowed and the Order of detention in Cr.M.P.No.01/PBMMSEC Act/2017 (J3) dated 23.05.2017, passed by the second respondent is set aside. The detenu, namely, Tmt. Rukkumani @ Lakshmi, wife of Mr.Mani, female, aged about 57 years, is directed to be released forthwith unless her custody is required in connection with another case.

6. Consequently, this order will be communicated to the concerned Jail Superintendent by the Registrar General of this Court via Fax.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ggs

To

1.The Secretary to Government, Food and Consumer Protection
Department
Government of India, New Delhi 110001.

2. The Additional Secretary to Government of India,
Department of Consumer Affairs, Room No.270, Krishi Bhavan,
New Delhi 110001.

3.The Secretary to Government, Food and Consumer Protection
Department
Government of Tamil Nadu, Fort St. George,
Chennai 600009.

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

5.The Superintendent, Women's Special Jail, Vellore.

6. The Joint Secretary to Govt Public
Law and order Fort St.George Chennai-9

7.The Public Prosecutor, Madras High Court, Madras.

+1 cc to M/s.O.S.Thilak Pasumbadiyar Advocate sr 72448

+1 cc to M/s.S.Arockiam Advocate sr 72470

H.C.P.No.1285 of
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