

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.07.2017

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

H.C.P.No.461 of 2017

Geetha

... Petitioner

Vs

1. The Additional Secretary to Government of India
Ministry of Consumer affairs
Food and Public Distribution
(Department of Consumer Affairs)
Room No.270, Krishi Bhavan
New Delhi - 110 001
2. The Secretary to the Government
Co-operation Food and Consumer
Protection Department
Namakkal Kavingnar Maaligai
II Floor, Secretariat
Chennai - 600 009
3. The District Collector and
District Magistrate
Krishnagiri District
Krishnagiri

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, to call for the records in S.C.No.11 of 2017 (CS) dated 06.03.2017 on the file of the District Magistrate and District Collector, Krishnagiri District and quash the same as illegal and direct the respondent to produce the detenu Dhanapal, S/o.Pallipattan, aged about 52 years, now confined at Central Prison, Salem and set him at liberty.

For Petitioner : Mr.R.Sankara Subbu
for Mr.S.Rajanikanth

For Respondents : Mr.S.Arockiam
Central Govt. Standing
Counsel for R1

Mr.V.M.R.Rajentren
Addl. Public Prosecutor for R2&R3

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to call for the records relating to the detention order passed in S.C.No.11 of 2017 dated 06.03.2017, against the detenu by name, Dhanapal, aged 52 years, S/o.Pallipattan, residing at No.24, Prasanth Nagar, Mottur Village, Abdullahpuram Post, Vellore Taluk and Vellore District and quash the same.

2. The Civil Supply CID, Krishnagiri District, as Sponsoring Authority, has submitted an affidavit to the Detaining Authority, wherein, it is averred to the effect that the detenu has involved in the following adverse cases:

1. Vellore Civil Supply CID, Crime No.48/2014, registered under Section 6(4) of TNSC (RDSC) order of 1982 r/w. 7(1)a(ii) of EC Act, 1955; and
2. Thiruvannamalai Civil Supply CID, Crime No.128 of 2015, registered under Section 6(4) of TNSC (RDSC) order of 1982 r/w. 7(1)a(ii) of EC Act, 1955.

3. Further, it is averred in the affidavit that on 25.02.2017, on the basis of the reliable information, the Civil Supply CID, Krishnagiri and others have conducted vehicle check up and subsequently they intercepted a vehicle bearing Registration No.23-BC-8998 and found PDS rice and consequently, a case has been registered against the detenu and others in Crime No.32 of 2017 under Sections 6(4) of TNSC (RDSC) order of 1982 r/w. 7(1)a(ii) of EC Act, 1955 and ultimately, requested the Detaining Authority to invoke the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980) against the detenu.

4. The Detaining Authority, after considering the averments made in the affidavit and other connected materials, has derived a subjective satisfaction to the effect that the detenu is a

habitual offender and ultimately, branded her as "Black Marketer" by way of passing the impugned Detention Order and in order to quash the same, the present petition has been filed by the wife of the detenu, as petitioner.

5. In the counter filed on the side of the respondents, it is averred that most of the averments made in the petition are false. The Sponsoring Authority has submitted all the relevant materials to the Detaining Authority and the Detaining Authority, after considering the materials supplied to him and other connected materials, has derived a subjective satisfaction to the effect that the detenu is habitual offender and has rightly branded him as "Black Marketer" by way of passing the impugned Detention Order and the same need not be quashed and therefore, the present petition deserves to be dismissed.

6. The learned counsel appearing for the petitioner has contended to the effect that in the booklet supplied to the detenu in so many places, the letters are not readable and the same would effect the rights of the detenu.

7. In fact this Court has perused the booklet wherein at Page No.2, the letters are not readable and the same would affect the rights of the detenu and therefore, the Detention Order in question is liable to be quashed.

8. In fine, this Habeas Corpus Petition is allowed and the Detention Order dated 06.03.2017 passed in Detention Order No. S.C.No.11/2017 (CS) by the third respondent against the detenu by name, Dhanapal, aged 52 years, S/o.Pallipattan, residing at No.24, Prasanth Nagar, Mottur Village4, Abdullahpuram Post, Vellore Taluk and Vellore District is quashed and directed to set him at liberty forthwith unless he is required to be incarcerated in any other case.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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gpa

To

1. The Additional Secretary to Government of India
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 4. The Superintendent,
Central Prison, Salem.
 5. The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.S, Arockiam, Advocate Sr. 2476

H.C.P.No.461 of 2017

VR(25/07/2017)

सत्यमेव जयते

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