

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P. NO. 702 OF 2018

A.Asarba

.. Petitioner

- Vs -

1. The Prl. Secretary to Government
Co-operation, food & Consumer
Protection Dept., 2nd Floor
Namakkal Kavingar Maligai
Secretariat, Chennai 600 009.
2. The District Collector &
District Magistrate
Erode District, Erode.
3. Addl. Secretary to Govt. of India
Ministry of Consumer Affairs
Food & Public Distribution
(Dept. of Consumer Affairs)
Room No.270, Krishi Bhavan
New Delhi 110 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus calling for the records pertaining to the order of detention passed in Cr. M.P. No.03/Black Marketer/2018 C1 dated 14.03.2018 passed by the 2nd respondent and set aside the same and direct the respondents to produce the detenu, Bhavani Bai @ Ahammed Ali, S/o Naina Mohamed, aged about 46 years, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. V.Paarthiban

For Respondents: Mr. R.Prathap Kumar, APP for RR-1 & 2
Mr. S.Arockiam, CGSC for R-3

ORDER
(DELIVERED BY DR. S.VIMALA, J.)

The second respondent, clamped an order of detention on Bhavani Bai @ Ahammed Ali, S/o Naina Mohamed, as the said authority arrived at the subjective satisfaction that the said detenu is a 'Black Marketeer' and he has to be detained under the provisions of Black Marketing and Maintenance of Supplies of Essential commodities Act, 1980, with a view to preventing him from acting prejudicial to the interest of public health and public order.

2. Challenging the order of detention, the petitioner, the wife of the detenu, has filed the present petition seeking release of her husband by quashing the order of detention.

3. The present petition is seriously opposed by the learned Addl. Public Prosecutor by filing a detailed affidavit.

4. It would be suffice to point out the very essential facts, which would help this Court to consider the claim of the petitioner.

5. It is stated in the counter that already the detenu had been detained under the same enactment for 44 times and the very purpose of detaining him under the preventive detention laws gets lost if even the repeated detention does not have the desired result. It is also stated that when the revised booklet was sought to be served on him, he did not receive it and, therefore, it was served on the detenu in front of his cell by hanging it in front of him.

6. The representation submitted by the petitioner has been duly considered by the 2nd respondent and it has been rejected. It is pointed out that in order to curtail his illegal activities, he has been detained five times under Act 19 of 1980 as a Black Marketeer.

7. On an overall consideration of the facts placed before this Court, it clearly reveals that any indulgence or leniency already granted by this Court has not been properly utilised by the detenu by mending his ways, but he has been continuously indulging himself in unlawful activities. If the detention is set aside, it would amount to defeating the very purpose and object with which the enactment was made and the purpose of detaining him under the relevant provisions of the Act would be lost.

8. On an overall consideration of the matter, this Court is of the considered opinion that there arises no reason to interfere with the order of detention passed by the 2nd respondent. Finding no merit, this habeas corpus petition is dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

To

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+lcc to Mr.V.Paarthiban, Advocate Sr.No.47287

+lcc to Mr.S.Arockiam, Advocate SR.No.47249

sm:21.8.2018

सत्यमेव जयते

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