

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 06.06.2019
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.19006 of 2009
and MP.No.1 of 2009

M.Thanasekar

..Petitioner

vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Co-operation Food and Consumer Protection Department,
Fort St. George, Chennai 9.

2. The District Collector,
Coimbatore District, Coimbatore.

3. The Inspector of Police,
CSCID, Pollachi,
Coimbatore District.

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, forbearing the respondents from detaining the petitioner under the provisions of 3 (1) of the Prevention of Black Marketing and Maintenance of Supply of Essential Commodities Act 1980 (Act 7 of 1980).

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.N.Thambiruai, Spl.G.P.

ORDER

Heard the learned counsel for both sides and perused the materials available on record.

2. The petitioner has come up with this Writ Petition for issuance of a Writ of Mandamus to forbear the respondents from detaining him under the provisions of Section 3 (1) of the Prevention of Black Marketing and Maintenance of Supply of Essential Commodities Act 1980.

3. It is the case of the petitioner that he is doing rice business and he has been arranging transportation of rice from

various traders to various Districts and States under valid permits. However, the third respondent Police registered a false case against him on 13.09.2009 alleging that he had transported 200 bags of rice and the same were seized on 13.09.2009. It is further stated that the respondents are initiating proceedings for detaining him under Section 3 (1) of the Prevention of Black Marketing and Maintenance of Supply of Essential Commodities Act without any material.

4. The third respondent filed a counter affidavit disputing the entire allegations and in paragraph 7 of the counter affidavit, it is stated that the respondents have not initiated any proceedings for detaining the petitioner under Section 3 (1) of the Act.

5. In view of the counter affidavit filed by the third respondent, the Writ Petition is dismissed as no further adjudication is necessary. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The Secretary to Government,
The State of Tamil Nadu,
Co-operation Food and Consumer Protection Department,
Fort St. George, Chennai 9.

2. The District Collector,
Coimbatore District, Coimbatore.

3. The Inspector of Police,
CSCID, Pollachi,
Coimbatore District.

+1 cc to Mr.C.Prakasam, Advocate, Sr.No. 46457

+1 cc to The Government Pleader, Sr.No. 45831

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CSL/11.07.2019