



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH  
and

The Hon'ble Mr. Justice M. NIRMAL KUMAR

H.C.P. No. 864 of 2019

Mrs.P. Chitralekha

... Petitioner

-vs-

- 1.The Government of Tamil Nadu,  
Represented by Secretary to Government,  
Co-operation, Food & Consumer,  
Food Department,  
Secretariat, Chennai - 600009.
2. The Commissioner of Police-Greater Chennai.  
Office of the Commissioner of Police,  
Vepey, Chennai - 600 007
3. Additional Secretary to Government of India,  
Ministry of Consumer Affair,  
Food and Public Distribution,  
Department of consumer affairs,  
Room No.270, Krishi Bhavan,  
New Delhi - 110 001

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records connected with the detention vide Memo No.02/2019 dated 01.02.2019 (Black Marketeer) made by the Commissioner of Police, Greater Chennai the second respondent herein (detaining authority) and quash the same and direct that the body of the detenu namely Prabhu @ Janakiraman, aged about 35 years now confined in Central Prison, Puzhal be produced before this Court and set him at liberty.

For petitioner : Mr.Bhagawat Krishna R.  
For R.1 & R.2 : Mr.C. Iyyappa Raj  
Addl.Public Prosecutor  
For R.3 : Mr.S. Arockiam  
CGSC

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the wife of the detenu Prabhu @ Janakiraman, male, aged about 35 years, S/o Shanmuga Anantham



has come up with this habeas corpus petition, challenging the detention order passed against her husband by the second respondent, vide Memo No.02/2019 dated 01.02.2019 branding him as a "Black Marketeer" under sub section 3(2) (b) read with 30 (1) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act 1980 (Central Act No.7 of 1080).

2. We have heard the learned counsel appearing for the petitioner; the learned Additional Public Prosecutor appearing for the State and the learned Central Government Standing Counsel appearing for third respondent also perused the records carefully.

3. Though, several grounds were raised in the petition, the learned counsel appearing for the petitioner would mainly focus on the ground only in respect of non-application of mind on the part of the detaining authority in passing the order of detention.

4. Learned counsel appearing for the petitioner submitted that there is a material contradiction between the statement recorded by the Sponsoring Authority and the reason assigned in the Detention Order. In the statement recorded by the Sponsoring Authority, it shows that the detenu has procured rice, whereas, in the booklet, supplied to the detenu, it is stated that the detenu procured rice and sold them by himself. Thus, the detention order is vitiated on this ground and the same is liable to be quashed.

5. We have gone through the same. A perusal of the booklet supplied to the detenu would show that the detenu procured rice and sold them by himself. Therefore, the detention order is vitiated and liable to be quashed on this ground alone.

6. In the light of the above facts and law, we have no hesitation in quashing the order of detention on the above mentioned ground. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in Memo No.02/2019 dated 01.02.2019 passed by the 2<sup>nd</sup> respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr



To:

1. The Government of Tamil Nadu,  
Represented by Secretary to Government,  
Co-operation, Food & Consumer,  
Food Department,  
Secretariat, Chennai - 600009.
2. The Commissioner of Police-Greater Chennai.  
Office of the Commissioner of Police,  
Vepey, Chennai - 600 007
3. Additional Secretary to Government of India,  
Ministry of Consumer Affair,  
Food and Public Distribution,  
Department of consumer affairs,  
Room No.270, Krishi Bhavan,  
New Delhi - 110 001
4. The Superintendent,  
Central Prison, Puzhal,  
Chennai.
5. The Joint Secretary to Government,  
Public (law & Order),  
Fort Saint George, Chennai 9
6. The Public Prosecutor,  
High Court, Madras.

+lcc to Mr.S.Arockiam, Advocate, S.R.No. 52210  
+lcc to Mr.R.Bhagawat Krishna, Advocate, S.R.No. 52130

H.C.P. No. 864 of 2019

VD(CO)  
GN(27/08/2019)