



H.C.P.(MD) No.567 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

H.C.P.(MD) No.567 of 2022

Rebeka

... Petitioner

-VS-

- 1.The Secretary to Government,
Food, Co-operation and Consumer Protection Department,
Namakkal Kavignar Maaligai, 2nd Floor,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli - 9.
- 3.The Additional Secretary to Government of India,
Department, of Consumer Affairs, Food and
Consumers Affairs Department,



H.C.P.(MD) No.567 of 2022

Room No.270, Food, Krishi Bhavan,
New Delhi – 110 001.

4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus calling for the entire records connected with the detention order passed in M.H.S.Confdl.No.22/2022 dated 14.03.2022 on the file of the second respondent herein and quash the same and direct the respondents to produce the body or person of the detenu namely, Muthupandi S/o.Ramasamy @ Ramapandi, aged 29 years, now detained at the central prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Vinoth Bharathi

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor for R1, R2 & R4

Mr.S.Jeyasingh,
Central Government Standing Counsel for R3



WEB COPY



H.C.P.(MD) No.567 of 2022

ORDER

[Made by P.N.PRAKASH, J.]

The detenu Muthupandi was arrested in Civil Supplies Criminal Investigation Department Crime Number 56/2022 on 27.02.2022 for the offences under Section 6(4) of the Tamil Nadu Scheduled Commodities (Regulation of distribution by card system) Order 1982 read with section 7(1)(a)(ii) of the Essential Commodities Act, 1955 along with six others for the alleged possession of 13 tons of ration rice without any valid permit.

2. Out of the seven accused, detention order under the Provisions of Prevention of Black marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Act No.7 of 1980) was clamped on the detenu Muthupandi on 14.03.2022, while he was in judicial custody in Crime No. 56/2022. Challenging the same, his wife has filed the present habeas corpus petition raising various grounds.



H.C.P.(MD) No.567 of 2022

WEB COPY

3. It is the contention of the petitioner that a representation was sent to the third respondent and the same has not been disposed of till date. The third respondent has filed the counter-affidavit, wherein, there is absolutely no mention about the receipt of the representation and its disposal thereof.

4. The Superintendent, Central Prison, Palayamkottai, where the detenu is lodged has submitted records to show that the detenu gave the representation dated 12.04.2022, which was forwarded by the prison authorities to the third respondent *vide* letter No.2/த.சூ.1/2022 dated 12.04.2022. Thus, when there are sufficient material to show that the detenu has sent the representation to the third respondent, the failure to dispose of the same one way or other would vitiate the detention. The maximum period of detention under the said Act is six month, out of which, the detenu has already been under detention for over four and a half months.

5. In view of the above, the Habeas Corpus Petition is allowed and the order of detention in in M.H.S.Confdl.No.22/2022 dated 14.03.2022, passed by the second respondent is set aside. The detenu, *viz.*, Muthupandi, aged about 29



H.C.P.(MD) No.567 of 2022

years, son of Ramasamy @ Ramapandi, is directed to be released forthwith unless his detention is required in connection with any other case.

[P.N.P., J.] [R.H., J.]
10.08.2022

Index : Yes / No
Internet : Yes / No
pkn

To:

- 1.The Secretary to Government,
Food, Co-operation and Consumer Protection Department,
Namakkal Kavignar Maaligai, 2nd Floor,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli - 9.
- 3.The Additional Secretary to Government of India,
Department, of Consumer Affairs, Food and
Consumers Affairs Department,
Room No.270, Food, Krishi Bhavan,
New Delhi – 110 001.



WEB COPY



H.C.P.(MD) No.567 of 2022

P.N.PRAKASH, J.
and
R.HEMALATHA, J.

pkn

- 4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P.(MD) No.567 of 2022

10.08.2022