



HCP(MD)No.1582 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.02.2023

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.1582 of 2022

Saranya

.. Petitioner /wife of the Detenu

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Principal Secretary,
Co-operation Food and Consumer
Protection Department,
Namakkal Kavignar Maaligai 2nd Floor,
Secretariat,
Chennai-600 009.
- 2.The Government of India,
Rep by the Additional Secretary,
Department of Consumer Affairs,
Room No.270, Krishi Bavan,
New Delhi-110 001.
- 3.The Government of India,
Rep by its Secretary,
Food and Consumer Protection Department,
New Delhi-110 001.
- 4.The District Collector and
The District Magistrate,



HCP(MD)No.1582 of 2022

Thoothukudi District,
Thoothukudi.

WEB COPY

5. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the order dated 08.09.2022 made in H.S(M)Confdl.No.195/2022 on the file of the 4th respondent and quash the same and consequently direct the respondents to produce the petitioner's husband namely Rajagopal, S/o.Poolpandian, aged about 42 years, who is now detained as a detenu at Central Prison, Palayamkottai, Tirunelveli District or his corpus or body before this Court and set him at liberty forthwith.

For Petitioner	:Mr.J.Sankara Pandian (No appearance)
For R1 & R2	:Mr.A.Thiruvadikumar, Additional Public Prosecutor

ORDER

DR G.JAYACHANDRAN,J.
And
SUNDER MOHAN,J.

As per Section 3(3) of Prevention Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980), the detention order, dated 08.09.2022 issued by the District Collector/District Magistrate, Thoothukudi, ought to have been approved by the State Government, within 12 days from the date of order of detention.



HCP(MD)No.1582 of 2022

2. When the matter was taken up for hearing today, the learned Additional Public Prosecutor submitted that the Government, vide its communication dated 20.09.2022, has informed that the detaining authority is not approving the detention order, is a consequence, the detention order is lapsed for want of approval by the State Government within 12 days.

3. In view of the above, nothing survives for adjudication in this Habeas Corpus Petition and hence, the same is dismissed.

(G.J.,J.) (S.M.,J.)
01.02.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

Ns

1. The Government of Tamil Nadu,
Rep by its Principal Secretary,
Co-operation Food and Consumer
Protection Department,
Namakkal Kavignar Maaligai 2nd Floor,
Secretariat,
Chennai-600 009.
2. The Government of India,
Rep by the Additional Secretary,
Department of Consumer Affairs,
Room No.270, Krishi Bavan,
New Delhi-110 001.



WEB COPY



HCP(MD)No.1582 of 2022

DR G.JAYACHANDRAN,J.
and
SUNDER MOHAN,J.
Ns

- 3.The Government of India,
Rep by its Secretary,
Food and Consumer Protection Department,
New Delhi-110 001.
- 4.The District Collector and
The District Magistrate,
Thoothukudi District,
Thoothukudi.
- 5.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P.(MD)No.1582 of 2022

01.02.2023