



WEB COPY



HCP.No.2556 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2556 of 2024

Omanapriya

...

Petitioner

Vs.

1. The Secretary to Government,
Co-operation Food and Consumer Production Department,
2nd Floor, Namakkal Kavingar Maligai,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector and
District Magistrate, Coimbatore District,
Coimbatore - 18.
3. The Additional Secretary ,
Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution,
(Department of Consumer Affairs),
Room No.270, Krishi Bhawan,
New Delhi 110 001.
4. The Superintendent of Police,
Coimbatore, Coimbatore District.
5. The Superintendent of Prison,



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Central Prison – Coimbatore,
Coimbatore District.

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6. State Rep.by its
The Inspector of Police,
CSCID-Pollachi
Coimbatore District.
Cr.no.142/2024.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 13.09.2024 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.50/BM/2024 quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband, namely, Nagaraj @ Naveen, S/o.Sivalingam, aged 41 years, before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner	: Mr.J.Jayan For Mr.W.Camyles Gandhi
For R1, R2, R4 to R6	: Mr.R.Muniyapparaj Additional Public Prosecutor
For R3	: Mr.B.Sudhir Kumar Central Government Standing Counsel

ORDER



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(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

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2.The impugned detention order has been passed relying on the three adverse cases. Pertinently, the first adverse case in Crime No.166 of 2019 ended with an order of conviction. The cases ended with an order of conviction cannot be relied on by the detaining authority for the purpose of invoking Act 14 of 1982. Moreso, the said case was registered in the year 2019 and has no proximity with the ground case. The other two adverse cases also registered that the detenue has involved in black marketing of 40 Kgs of PDS rice.

3.Considering the quantity of the PDS rice involved in the adverse cases and the ground case, we are of the considered opinion that the subjective satisfaction as required for invoking preventive detention law has not been completely satisfied.

4.Accordingly, the impugned order of detention in Memo Cr.M.P.No.50/BM/2024 dated 13.09.2024 is quashed and the Habeas Corpus



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Petition stands **allowed**. The detenue, namely, Nagaraj @ Naveen, S/o.Sivalingam, aged 41 years, now confined in Central Prison, Coimbatore, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
22.11.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

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Co-operation Food and Consumer Production Department,
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Madras High Court.

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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