



HCP.No.2802 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM :

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

H.C.P.No.2802 of 2024

Tmt.M.AbithaBegum

... Petitioner

Vs.

1.The Additional Chief Secretary to the Government
Food and Consumer Protection Department
2nd Floor, Namakkal Kavingar Maligai
Secretariat, Chennai -9.
Chennai – 9.

2.The District Collector and District Magistrate
Villupuram District. Villupuram.

3.The Secretary to Government
Ministry of Consumer affairs
Food and Public distribution (department of consumer affairs)
Room No.270
Kirish Bhavan, New Delhi – 110 001.

4.The Inspector of Police
Civil Supplies CID
Villupuram.

5. The Superintendent of Police
Villupuram District.



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6. The Superintendent of Prison
Central Prison, Cuddalore.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 20.10.2024 in RC.No.C2/60/2024 against my son Syed Musthafa s/o.Mubarak Ali aged 28 years who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenu before this Court.

For Petitioner : Mr.Paarthiban

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in proceedings RC.No.C2/60/2024 dated 20.10.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Two adverse cases are relied on for invoking Act 14 of 1982. The



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first ground case was registered in Cr.No.145 of 2022 under the Essential Commodities Act. Therefore, the first adverse case has no proximity with the ground case.

4. The second adverse case and the ground case are registered in the year 2024, 1000kgs of PDS rice has been confiscated from the detainee. Taking note of the fact that the said cases can be dealt with by the authorities under the law of the land and there is no likelihood of causing any immediate public disorder. For the aforesaid reasons, we are inclined to interfere with the impugned detention order.

5. Accordingly, the detention order passed by the second respondent in proceedings RC.No.C2/60/2024 dated 20.10.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Syed Musthafa s/o.Mubarak Ali aged 28 years, now confined at Central Prison, Cuddalore is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]



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Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

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7. The Public Prosecutor
High Court Madras.

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