



HCP.No.2854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

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

H.C.P.No.2854 of 2024

Jeyalakshmi

... Petitioner /wife of detenu

Vs

1. The Additional Secretary To Government Of India,
Ministry Of Consumer Affairs,
Food And Public Distribution,
Room No.270, Krishi Bhavan,
New Delhi - 110 001.
- 2 The Principal Secretary To the Government,
Co Operation Food And Consumer Protection Department,
2nd Floor, Namakkal Kavignar Maligai,
Secretariat, Chennai - 600 009.
- 3 The District Collector And District Magistrate,
O/o.district Collector and District Magistrate,
Coimbatore District.
- 4 The Superintendent Of Police,
Coimbatore District.



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5 The Superintendent Of Prison,
Central Prison, Coimbatore District.

6 The Inspector Of Police
Civil Supplies CID, Pollachi Unit ,
Coimbatore District.

... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records pertaining to the Detention Order passed by the third respondent made in his proceedings in Cr.M.P.No.59/BM/2024 dated 11.10.2024 in detaining the detention under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act 1980 (Central Act 7 of 1980) as a Black Marketer and quash the same and direct the respondents herein to produce the petitioner's husband, namely, SIVAMURUGESAN @ MURUGESAN S/O.RAMPAL NADAR, AGED 54 YEARS (who is presently under going detention in the central prison Coimbatore) before this Hon'ble Court and set him at Liberty.

For Petitioner : Mr. N. Arun Kumar

For Respondents : Mr. R.Sidharth,
CGC for R1

: Mr.R. Muniyapparaj,
Additional Public Prosecutor
for R2 to R6



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ORDER

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

The order of detention passed by the third respondent, in Cr.M.P.No.59/BM/2024 dated 11.10.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Based on three adverse cases and the ground case, the impugned detention order has been passed. The first adverse case was registered in the year 2023 and has no proximity. In the ground case, 1.810 kg of PDS rice was transported and confiscated by the police authorities. These cases can be dealt with by the authorities under the ordinary law and therefore invoking Preventive Detention become unnecessary. The first adverse case ended with an order of conviction with fine. Therefore, the adverse case relied on itself become irrelevant, which would show the non application of mind on the part of the detaining authority. quashed allowed.



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3. Hence, for the aforesaid reason, the detention order passed by the second respondent in Cr.M.P.No.59/BM/2024 dated 11.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Sivamurugesan @ Murugesan S/o.Rampal Nadar, aged 54 years, confined at Central Prison, Coimbatore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

18.12.2024

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

mrp

To

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5 The Superintendent Of Prison,
Central Prison, Coimbatore District.

6 The Inspector Of Police
Civil Supplies CID, Pollachi Unit ,
Coimbatore District.

7. The Public Prosecutor,
High Court, Madras.



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M.JOTHIRAMAN, J.

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