



W.P.(MD)No.2358 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED **05.02.2024**

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.2358 of 2024

Prema

...Petitioner

/Vs./

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Fort St.George, Chennai – 600 009.

2.The District Collector,
Tirunelveli District, Tirunelveli.

3.The Inspector of Police,
CSCID, Tirunelveli.

4.The Inspector of Police,
CSCID, Virudhunagar.

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus directing the 2nd respondent to
consider the petitioner's representation dated 29.01.2024.

For Petitioner : Mr.T.Leninkumar

For Respondents : Ms.K.Christy Theberal (R1 & R2)

Additional Government Pleader

Ms.M.Aasha (R3 & R4)

Government Advocate



W.P.(MD)No.2358 of 2024

ORDER

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2. According to the petitioner, her husband was a coolie worker and he was implicated as an accused in Crime No.199 of 2023 for the alleged offence under Clause 6(4) of the TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of the Essential Commodities Act, 1955. He was also implicated in other two cases. He has also moved anticipatory bail petitions before this Court with regard to previous cases. Pending consideration of the anticipatory bail petitions, the respondent police arrested the husband of the petitioner and remanded him to judicial custody in connection with Crime No.28 of 2024. The third respondent also sent a proposal to the second respondent to detain him as a blackmarketeer.

3. The case of the petitioner is that the petitioner is an innocent person and he is also a cardiac patient. The rice is a open market rice only and it is not PDS rice. It has to be decided by the adjudicating authority as to whether the rice is open market rice of PDS rice. Till it is decided, the third respondent cannot conclude that the seized rice is PDS rice. The petitioner has sent a



W.P.(MD)No.2358 of 2024

representation to drop action of detaining the petitioner's husband and to take action against the third respondent on 29.01.2024. Since no action was taken, the present writ petition has been filed.

4. The learned Government Advocate appearing for the respondent police submits that the representation of the petitioner was considered in COLTNV/509/2024-C4 by the second respondent on 01.02.2024 stating that the petitioner's husband as a black marketer and directing him to be taken under the custody. She has also produced the report of the the second respondent dated 01.02.2024, which was digitally signed by the second respondent and also communicated to the petitioner's husband, who is in custody.

5. It is seen that the petitioner's husband is already in custody and the second respondent has also considered the representation of the petitioner through proceedings dated 01.02.2024 in COLTNV/509/2024-C4 on 01.02.2024. Hence, nothing survives for further adjudication in this writ petition and accordingly, this writ petition is dismissed. No costs.

05.02.2024

NCC : Yes/No

Index : Yes/No



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W.P.(MD)No.2358 of 2024

V.BHAVANI SUBBAROYAN, J.

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TO:-

- 1.The Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Fort St.George, Chennai – 600 009.
- 2.The District Collector,
Tirunelveli District, Tirunelveli.
- 3.The Inspector of Police,
CSCID, Tirunelveli.
- 4.The Inspector of Police,
CSCID, Virudhunagar.

Order made in
W.P(MD)No.2358 of 2024

Dated:
05.02.2024