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H.C.P.(MD)NO.1180 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.1180 of 2024

Mahalakshmi

... Petitioner/ Wife of the Detenu

Vs.

1. The Additional Secretary,
Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution
(Department of consumer affairs),
Room No.270, Krishi Bhavan,
New Delhi – 110 001.
2. The Principal Secretary,
Government of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
Secretariat, Fort St. George,
Chennai – 600 009.
3. The District Collector and District Magistrate,
Virudhunagar District,
Virudhunagar.
4. The Inspector of Police,
CSCID, Virudhunagar.
5. The Superintendent of Police,
Central Prison,
Madurai.

... Respondents



Prayer: Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the third respondent in his proceedings Cr.M.P.No.17/2024(Black Marketeer) dated 01.09.2024 and quash the same as illegal and produce the detenu namely Poolpandian, S/o.Murugaiah, aged about 35 years now he is confined in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.T.Leninkumar
For R-1 : Mr.P.Subbiah,
Senior Panel counsel.
For R-2 to R-5 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The petitioner's husband was detained as Black Marketeer vide order dated 01.09.2024 by the third respondent. Representation dated 12.09.2024 was submitted for revocation of the detention order. Though remarks were received on 14.10.2024, the file was submitted on 25.10.2024. We notice that there is an unexplained delay of six days in



considering the representation. The delay of six days in considering the representation is fatal to the continuance of the detention.

3.In this view of the matter, we hold that the detenue's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

4.This habeas corpus petition is allowed accordingly.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
5th December 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

Note : Issue order copy immediately.



WEB COPY **To:**

1. The Principal Secretary,
Government of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The District Collector and District Magistrate,
Virudhunagar District,
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3. The Inspector of Police,
CSCID, Virudhunagar.
4. The Superintendent of Police,
Central Prison,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

R. POORNIMA, J.

PMU

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