

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.390 of 2016

Mrs. Rani ... Petitioner/Wife of the detenu

Vs

1. The Secretary to Government,
Ministry of Consumer Affairs,
Food and Public Distribution,
(Department of Consumer Affairs)
Room No. 270, Krishi Bhavan,
New Delhi-110 001.

2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Food and Consumer Production,
2nd Floor, Namakkal Kavingar Maligai,
Chennai- 600 009.

3. The District Collector & District Magistrate,
Vellore District, Vellore. ... Respondents/Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying to issue a WRIT OF HABEAS CORPUS
calling for the records in C3.D.O.No.08/2016 dated 08.02.2016 on
the file of third respondent herein and set aside the same as
illegal and produce the detenu Meesai @ Muniyandi @ Venkatesan,
son of Perumal @ Periya Perumal, aged about 46 years, now
confined at central Prison, Vellore, before this Court and set
him at liberty.

For Petitioner : Mr.G.Punniyakotti
For R1 : Mr.S.Arockiam
Central Government Standing
Counsel
For R2 & R3 : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the wife of one Mr. Meesai @ Muniyandi @ Venkatesan s/o Perumal @ Periya Perumal of Pachur Village, Thirupathur Taluk. He has been detained under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 for a period of 6 months as per the order passed by the District Collector, Vellore in C3.D.O.No.08/2016 dated 08.02.2016. Challenging the said detention order, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Central Government Standing Counsel appearing on behalf of the first respondent and also the learned Additional Public Prosecutor appearing for the respondents 2 and 3. We have also perused the records carefully.

3. The learned counsel for the petitioner among other grounds would mainly focus his argument on the ground that though it is stated that the detenu is involved in a crime which was allegedly committed within Andhra Pradesh State and though it is stated that the records pertaining to the said case has been produced, they are in Telugu and the petitioner does not know to read and write Telugu. The learned counsel would point out that the Tamil translation of the same has not been furnished to the accused.

4. The learned Additional Public Prosecutor has no dispute over the said fact.

5. In our considered view, failure to furnish the translated copies of the record which are in Telugu upon which reliance has been made by the detaining authority has deprived the detenu from making any effective representation. In the light of the above fact, we are inclined to quash the detention order.

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 08.02.2016, passed by the third respondent is set aside. The detenu is directed to be released, forthwith, unless, his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Ministry of Consumer Affairs,
Food and Public Distribution,
(Department of Consumer Affairs)
Room No. 270, Krishi Bhavan,
New Delhi-110 001.

2.The Secretary to Government,
The State of Tamil Nadu,
Department of Food and Consumer Production,
2nd Floor, Namakkal Kavingar Maligai,
Chennai- 600 009.

3.The Joint Secretary to Government,
Public (Law & Order),
Fort St. George, Chennai-9.

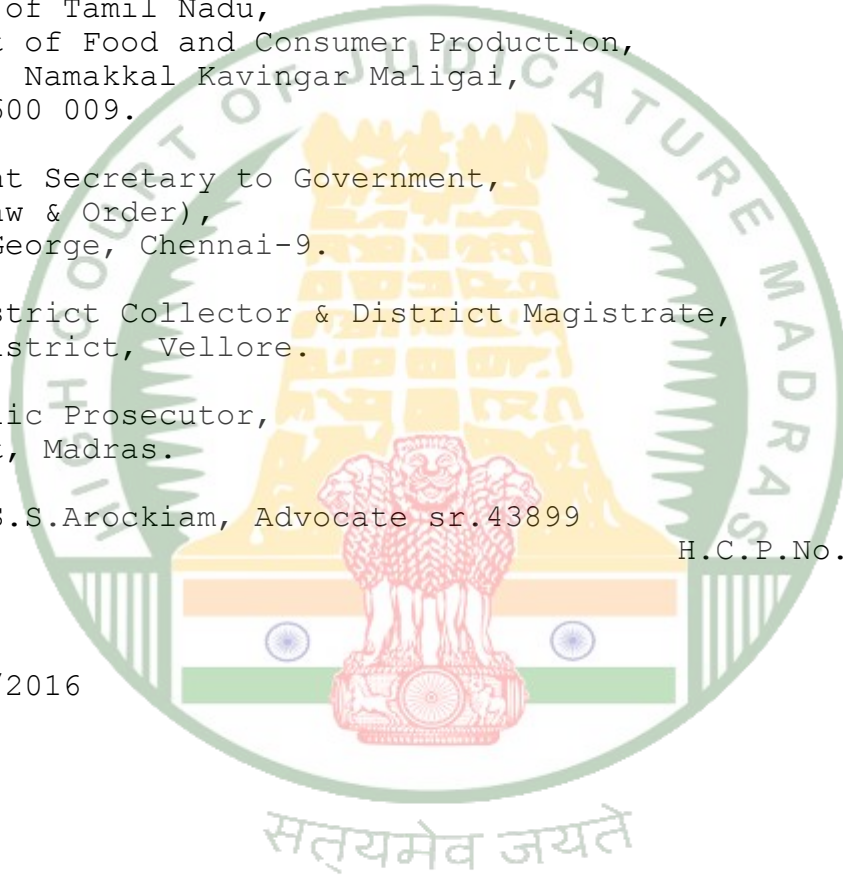
4. The District Collector & District Magistrate,
Vellore District, Vellore.

5.The Public Prosecutor,
High Court, Madras.

1cc to M/S.S.Arockiam, Advocate sr.43899

H.C.P.No.390 of 2016

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srg 30/08/2016



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