

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 1397 of 2019

G.Parvathi

... Petitioner

-vs-

1.The Additional Secretary to
the 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 Government of Tamil Nadu
Rep by its Secretary,
Co-operation, Food and Consumer
Protection Department,
Fort St.George, Chennai - 09.

3.The Commissioner of Police,
Office of Commissioner of Police,
Salem City.

4.The Inspector of Police,
Civil Supplies CID,
Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records in the detention order in C.M.P.No.2/BlackMarketer/Salem City/2019 dated 11.06.2019 on the file of the third respondent and set aside the same and direct the respondents herein to produce the body of my son-in-law Saravanan, S/o. Chinnathambi, aged 42 years, detenu herein now confined in Central Prison, Salem before this Court and set him at liberty.

For Petitioner : Mr.A.Raja Mohamed

For Respondents Mr.R.Prathap Kumar
: Addl.Public
Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the mother-in-law of the detenu Saravanan, S/o. Chinnathambi, male, aged 42 years. The detenu has been detained by the third respondent by his order in C.M.P.No.2/BlackMarketer/Salem City/2019 dated 11.06.2019, holding to be a "Black Marketer", as contemplated under Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980). The said order is under challenge in this Habeas Corpus Petition.

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3.Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the document found at Page No.312 has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4.On consideration of the submissions made on either side and upon perusal of the documents available on record, it is clear that Page No.312 has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.2/BlackMarketer/Salem City/2019 dated 11.06.2019, passed by the third respondent is set aside. The detenu, namely, Saravanan, S/o. Chinnathambi, male, aged 42 years,

is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

- 1.The Additional Secretary to
the 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 Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Fort St.George, Chennai - 09.
- 3.The Commissioner of Police,
Office of Commissioner of Police,
Salem City.
- 4.The Inspector of Police,
Civil Supplies CID,
Salem.
- 5.The Superintendent,
Central Prison, Salem.
- 6.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
- 7.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.A.Yousulf imaran , Advocate SR.No. 83285

H.C.P. No. 1397 of 2019

A.SK(07/11/2019)