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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

H.C.P.NO.1965 OF 2019

Ranjithkumar

... Petitioner

-vs-

1. The State of Tamil Nadu
Rep.By its Secretary to Government,
Food and Consumer Protection Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Vellore District, Vellore.
3. The Additional Secretary to Government,
Ministry of Consumer Affairs
Food and Public Distribution
(Department of Consumer Affairs)
Room No.270, Krishi Bhavan,
New Delhi - 110 001.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the entire records, relating to the petitioner's father detention under Black Marketing and maintenance of supplies of essential commodities act vide detention order, dated 27.08.2019 on the file of the second respondent herein made in proceedings C3.D.O.98/2019 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's father namely, Datchnamoorthy, son of Perumal, aged 55 years, before this Court and set the petitioner's father at liberty from detention, now petitioner's father detained at Central Prison, Vellore.

For Petitioner	:	Mr.Md.Saifulla for Mr.C.C.Chellappan
For Respondents	:	Mr.R.Prathap Kumar Addl. Public Prosecutor



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7. In *Rekha vs. State of Tamil Nadu* (2011 (5) SCC 244), the Honourable Supreme Court has held that the procedural safeguards are required to be zealously watched and enforced by the Courts of law and their rigour cannot be allowed to be diluted on the basis of the nature of the alleged activities undertaken by the detenu.

8. In *Sumaiya vs. The Secretary to Government* (2007 (2) MWN (Cr.) 145), a Division Bench of this Court has held that the unexplained delay of three days in disposal of the representation made on behalf of the detenu would be sufficient to set aside the order of detention.

9. In *Tara Chand vs. State of Rajasthan and others*, reported in 1980 (2) SCC 321, the Honourable Supreme Court has held that any inordinate and unexplained delay on the part of the Government in considering the representation renders the very detention illegal.

10. In the subject case, admittedly, there is an inordinate and unexplained delay of 6 days in submitting the representation. The impugned detention order is, therefore, liable to be quashed.

11. In the result, the Habeas Corpus Petition is allowed and the order of detention in C3.D.O.98/2019 dated 27.08.2019, passed by the second respondent is set aside. The detenu, namely, Datchnamoorthy, son of Perumal, male, aged 55 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government,
Food and Consumer Protection Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Vellore District, Vellore.



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

4. The Superintendent,
Central Prison, Vellore.

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

6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1965 of 2019

KK(CO)
CS/06/01/2020