

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2020

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

H.C.P.NO.1099 OF 2020

Yuvaraj

...Petitioner

Vs.

State represented by

1. State of Tamil Nadu,
rep.by Secretary to State,
Co-operation, Food & Consumer Protection
Department, 2nd Floor,
Namakkal Kavingnar Maligai,
St George Fort, Chennai-600 009
2. The Commissioner of Police,
Poonamallee High Road,
Vepery,
Chennai-600 007
3. The Secretary to Government of India,
Co-operation, Food & Consumer Protection
Department,
Krishi Bhavan, New Delhi-110 011
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai-600 066
5. Inspector of Police,
Civil Supplies CID,
Chennai Unit

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling upon the production of the records relating to the detention order dated 15.06.2020 made in detention order Memo No.07/Black Marketing Act/2020 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner's brother Anand, son of Jayakumar, aged about 32 years, branded as Black-Marketeer and now confined in Central

Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Mohanraj

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 brother of Anand, son of Jayakumar, aged about 32 years who is the detenu. The detenu has been detained by the second respondent by his order Memo No.07/Black Marketing Act/2020, dated 15.06.2020, holding him to be a "Black Marketeer", as contemplated under Section 3(2)(b) r/w 3(1) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 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 the 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 bail petition in the ground case 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 especially Page No.119 of the booklet, it is clear that the bail petition in the ground case 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 Memo No.07/Black Marketing Act/2020, dated 15.06.2020 passed by the second respondent is set aside. The detenu, namely, Anand, son of Jayakumar, aged about 32 years is directed to be released forthwith unless his detention is required in connection with any other case.

-s/d-

Assistant Registrar(CJ CONF)

True Copy

Sub-Assistant Registrar

mmi/ssm

To

1. The Secretary to Government, Prohibition and Excise Department
Fort St.George, Chennai 9
2. The Secretary to State,
Co-operation, Food & Consumer Protection
Department, 2nd Floor,
Namakkal Kavingnar Maligai,
St George Fort, Chennai-600 009
3. The Commissioner of Police,
Poonamallee High Road,
Vepery, Chennai-600 007
4. The Secretary to Government of India,
Co-operation, Food & Consumer Protection
Department, Krishi Bhavan, New Delhi-110 011.
5. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai-600 066.
6. Inspector of Police,
Civil Supplies CID,
Chennai Unit.
7. The Joint Secretary to Government,
Public (Law & Order), Fort St.George,
Chennai 9
8. The Public Prosecutor,
High Court, Madras.

H.C.P. No.1099 of 2020

GP(CO)
KKV/09/12/2020