

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1688 of 2020

Jallani

... Petitioner

-vs-

- 1.The Principal Secretary to Government
Food and Consumer Protection Department,
2nd Floor, Namakkal Kavingar Maligai,
Secretariat, Chennai - 09.
 - 2.The District Collector and District Magistrate,
Kancheepuram District,
Kancheepuarm.
 - 3.The Secretary to the Government,
Ministry of Consumer Affairs,
Food and Public Distribution
(Department of Consumer Affairs)
Room No.270, Krishi Bhavan,
New Delhi - 110 001.
 - 4.The Inspector of Police,
Civil Supplies CID, Kancheepuram.
 - 5.The Superintendent of Police,
Kancheepuram District.
 - 6.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent dated 20.08.2020 in D.O.No.38/2020 against the petitioner's husband Bilal, son of Hussein, aged about 36 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner .. Mr.V.Paarthiban
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 wife of Bilal, son of Hussein, aged about 36 years, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.38/2020 dated 20.08.2020, holding him to be a "Black Marketeer", as contemplated under the provision of Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act 1980 (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 and we have also perused the records carefully.

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 order 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 Nos.251 to 277 of the booklet, it is clear that the order 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 D.O.No.38/2020 dated 20.08.2020, passed by the second respondent is set aside. The detenu, namely, Bilal, son of Hussein, aged about 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

To

- 1.The Principal Secretary to Government
Food and Consumer Protection Department,
2nd Floor, Namakkal Kavingar Maligai,
Secretariat, Chennai - 09.
2. The Joint Secretariat to Government,
Public Law and Order,
Secretariat, Chennai 600009
- 3.The District Collector and District Magistrate,
Kancheepuram District,
Kancheepuarm.
- 4.The Secretary to the Government,
Ministry of Consumer Affairs,
Food and Public Distribution
(Department of Consumer Affairs)
Room No.270, Krishi Bhavan,
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- 5.The Inspector of Police,
Civil Supplies CID, Kancheepuram.
- 6.The Superintendent of Police,
Kancheepuram District.
- 7.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
8. The Public Prosecutor,
High Court, Madras.

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