

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020

Coram

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

H.C.P. No. 1835 of 2020

M.Raja

..Petitioner

Vs.

1. Government of Tamil Nadu
Rep. By its Secretary,
Cooperation, Food and Consumer
Protection Department,
Fort St.George, Chennai - 09.
 2. The Additional Secretary to Government
of India, Ministry of Consumer Affairs,
Food and Public Distribution,
Department of Consumer Affairs,
Room No.270, Krishi Bhaven,
New Delhi 01.
 3. The District Collector and District Magistrate,
Tirupathur District.
Tirupathur.
 4. The Superintendent of Police,
Tirupathur.
 5. The Superintendent of Central Prison,
Vellore.
 6. The Inspector of Police,
CS CID, Vellore Unit, Vellore.
- .. Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus calling for the records in detention order in C3.D.O.No.42/2020 dated 18.09.2020 as stated in the order of detention and R.C.3/6281/2020 dated 18.09.2020 as stated in the grounds of detention on the file of the third respondent herein and set aside the same and direct the respondents herein to produce the body of the petitioner's cousin brother namely the detenu Venkatesan, son of Sundar Raj, male, aged 42 years, the detenu herein before this Court now confined in Central Prison, Vellore and set him at liberty.

For Petitioner : Mr.M.Mohamed Saifulla

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 cousin of Venkatesan, son of Sundar Raj, male, aged 42 years, who is the detenu. The detenu has been detained by the third respondent by his order in C3.D.O.No.42/2020 dated 18.09.2020, 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 No.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 bail application 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. 56 to 59 of the booklet, it is clear that the bail application 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 C3.D.O.No.42/2020 dated 18.09.2020, passed by the third respondent is set aside. The detenu, namely, Venkatesan, son of Sundar Raj, 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

<https://hcservices.ecourts.gov.in/hcservices/>

To

1.The Secretary,
Cooperation, Food and Consumer
Protection Department,
Fort St.George, Chennai - 09.

2.The Additional Secretary to Government
of India, Ministry of Consumer Affairs,
Food and Public Distribution, Department of Consumer
Affairs, Room No.270, Krishi Bhavan,
New Delhi 01.

3.The District Collector and District Magistrate,
Tirupathur District. Tirupathur.

4.The Superintendent of Police, Tirupathur.

5.The Superintendent of Central Prison, Vellore.

6.The Inspector of Police, CS CID, Vellore Unit, Vellore.

7.The Public Prosecutor, High Court, Madras.

8. The Joint Secretary to Government
Public Law and Order
Fort St.George, Chennai-09

H.C.P. No. 1835 of 2020

GP [CO]
RR 19/01/2021

सत्यमेव जयते

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