

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

Coram

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

H.C.P. No.1944 of 2020

Geetha

... Petitioner

.Vs.

1. The Principal Secretary to the Government,
Food and Consumer Protection Department,
2nd Floor, Namakkal Kavingar Maaligai,
Secretariat, Chennai - 600 009.
2. The Secretary to Government
Ministry of Consumer Affairs,
Food and Public Distribution
(Department of Consumer Affairs),
Room No.270, Krishi Bhavan,
New Delhi 110 001.
3. The District Collector & District Magistrate,
Vellore District, Vellore - 9.
4. The Superintendent,
Central Prison, Vellore, Vellore.
5. The Superintendent of Police,
Vellore District, Vellore.
6. The Inspector of Police,
Civil Supplies CID, Vellore Unit,
Vellore District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records relating to the impugned order in C3.D.O.64/2020, dated 30.06.2020 on the file of the 3rd respondent herein and set aside the same as illegal and direct the respondent to produce the detenu namely Dhanapal, son of Pallipattan, Hindu, aged about 54 years, now confined at Central Prison, Vellore, Vellore District before this Court and set him at liberty.

For Petitioner : Mr.C.Vinodhkumar

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 Dhanapal, son of Pallipattan, Hindu, aged about 54 years. The detenu has been detained by the third respondent by his order in C3.D.O.64/2020, dated 30.06.2020, 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).

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 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 detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. 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 the first adverse case observation mahazar at Page No.6 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. 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.64/2020, dated 30.06.2020, passed by the third respondent is set aside. The detenu, Dhanapal, son of Pallipattan, Hindu, aged about 54 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to the Government,
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6. The Inspector of Police,
Civil Supplies CID, Vellore Unit,
Vellore District
7. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1944 of 2020

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