

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.713 of 2021

Shoba,
W/o.Elumalai

...

Petitioner /
Wife of the detenu

versus

- 1.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 - 110 001.
- 2.The Principal Secretary to the Government,
Food and Consumer Protection Department,
II Floor, Namakkal Kavingnar Maaligai,
Secretariat, Chennai - 600 009.
- 3.The District Collector and
District Magistrate of Kallakurichi,
Kallakurichi District.
- 4.The Superintendent of Police,
Kallakuruchi District,
Kallakuruchi.
- 5.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
- 6.The Inspector of Police,
Civil Supply Crime
Investigation Department,
Villupuram Unit,
Villupuram District.

...

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the 3rd respondent in his office of ref.D.O.No.C2/06/2021 dated 30.01.2021 against the Petitioner's husband namely Elumalai, S/o.Kannan, aged about 33 years, at Central Prison, Cuddalore, Cuddalore District and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.E.Kannadasan
For Respondent No.1 : No Appearance
For Respondent Nos.2 to 6: Mr.J.C.Durairaj
Government Advocate [Crl. Side]

O R D E R

[Order of the Court was made by R.PONGIAPPAN, J.]

The petitioner is the wife of Elumalai, son of Kannan, aged about 33 years, who is the detenu. The detenu has been detained by the third respondent by his order in D.O.No.C2/06/2021 dated 30.01.2021, holding him to be a "Black Marketeer", as contemplated under the Provisions of 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 Government Advocate [Crl. Side] appearing for the respondents 2 to 6 and we have also perused the records carefully.

3. Though the learned counsel appearing 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 Quality Certificate has not been 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.69 and 98 of the booklet, it is clear that the Quality Certificate has not been 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.C2/06/2021 dated 30.01.2021, passed by the third respondent is set aside. The detenu, namely, Elumalai, son of Kannan, aged about 33 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS)

//True Copy//

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

Sub Assistant Registrar

To

1.The Additional Secretary to Government of India,
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5.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

6.The Inspector of Police,
Civil Supply Crime
Investigation Department,
Villupuram Unit,
Villupuram District.

7.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.

8.The Public Prosecutor,
High Court, Madras. सत्यमेव जयते

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A.SK(10.06.2021)

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