



HCP No.1402 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

H.C.P.No.1402 of 2022

Monisha

W/o.Venkatesan @ Thamu

... Petitioner

Vs.

- 1.The Additional Secretary to the
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,
Department of Co-operation,
Food and Consumer Protection Department,
2nd Floor, Namakkal Kavignar Maaligai,
Secretariat, Chennai - 600 009.
- 3.The District Collector & District Magistrate,
Tirupathur District, Tirupathur.
- 4.The Superintendent of Police,
Tirupathur District, Tirupathur.



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5.The Superintendent of Prison,
Central Prison, Vellore.

6.The Inspector of Police,
Civil Supplies CID Police Station,
Vellore District.

... Respondents

Writ 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 third respondent dated 11.07.2022 in C3.D.O.No.37/2022 against the petitioner's husband Venkatesan @ Thamu S/o.Kannan, aged 32 years, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **P.N.PRAKASH, J.**]

The petitioner is the wife of the detenu, Venkatesan @ Thamu S/o.Kannan, aged 32 years. The detenu has been detained by the third respondent by his order in C3.D.O.No.37/2022 dated 11.07.2022, holding him to be a "Black Marketeer", as contemplated under the provisions of



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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 learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

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 arrest intimation pertaining to the ground case has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on these grounds, 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.59 and 60 of the booklet, it is clear that the arrest intimation pertaining to the



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ground case has not been fully translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C3.D.O.No.37/2022 dated 11.07.2022, passed by the second respondent is set aside. The detenu, viz., Venkatesan @ Thamu S/o.Kannan, aged 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [GCS, J.]
22.11.2022

Index: Yes/No
gm

To

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3.The District Collector & District Magistrate,
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4.The Superintendent of Police,
Tirupathur District, Tirupathur.

5.The Superintendent of Prison,
Central Prison, Vellore.

6.The Inspector of Police,
Civil Supplies CID Police Station,
Vellore District.

7.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

8.The Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH, J.
and
G.CHANDRASEKHARAN, J.

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