



H.C.P.NO.1445 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **G.CHANDRASEKHARAN**

Habeas Corpus Petition No.1445 of 2022

Dhivya

..... Petitioner

-Versus-

State Rep. by :

- 1.The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Second Floor, Secretariat,
Fort St. George, Chennai 600 009.
- 2.The District Magistrate and District Collector,
Salem District.
- 3.The Superintendent of Police,
Salem District, Salem.
- 4.The Superintendent of Prison,
Central Prison, Salem.
- 5.The Inspector of Police,
Civil Supplies Police CID,
Salem.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records in C.M.P.No.1/PBMMSEC Act/2022(C2) dated 05.07.2022 on the file of the 2nd respondent and to quash the same as illegal and consequently, direct the respondents to produce the detenu viz., Saravanan, aged about 29 years, Son of Dhanasekar, now confined at Central Prison, Salem, before this court and set him at liberty.

For Petitioner : Ms.S.Sengkodi

*For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor*

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the wife of the detenu viz., Saravanan. The detenu has been detained by the second respondent by his order in Detention Order in C.M.P.No.1/PBMMSEC Act/2022(C2) dated 05.07.2022 holding him to be a "Black Marketeer", as contemplated under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980). The said order is under challenge in this Habeas Corpus Petition.



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

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused on the ground that the remand order has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this 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 No.186 of the booklet, it is clear that the remand order has not been properly 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 C.M.P.No.1/PBMMSEC Act/2022(C2) dated 05.07.2022,



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passed by the second respondent is set aside. The detenu viz., Saravanan,
son of Dhanasekar, is directed to be released forthwith unless his detention
is required in connection with any other case.

(P.N.P., J.) (G.C.S., J.)
..11..2022

Index: Yes/No
kmk



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To

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Co-operation, Food and Consumer Protection Department,
Second Floor, Secretariat,
Fort St. George, Chennai 600 009.
2. The District Magistrate and District Collector,
Salem District.
3. The Superintendent of Police,
Salem District, Salem.
4. The Superintendent of Prison,
Central Prison, Salem.
5. The Inspector of Police,
Civil Supplies Police CID,
Salem.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
7. The Public Prosecutor,
High Court, Madras.



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AND
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