



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.No.1698 of 2021

Manimegalai
W/o.Elumalai

..Petitioner

Vs.

- 1.The Secretary to the Government,
Department of Consumer Affairs,
Government of India, "Krishi Bhavan",
New Delhi - 110 001.
- 2.The Secretary to the Government,
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai - 600 009.
- 3.The District Collector and District Magistrate of
Tiruvannamalai District, Tiruvannamalai.
- 4.The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
- 5.The Superintendent of Prison,
Central Prison, Vellore - 2.
- 6.The Inspector of Police,
Civil Supplies CID Police Station,
Tiruvannamalai District.

...Respondents

Habeas Corpus 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 third respondent dated 08.10.2021 in D.O.No.87/2021-C2 against the petitioner's husband Elumalai s/o.Annamalai, aged 53 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

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

The petitioner is the wife of the detenu viz., Elumalai s/o.Annamalai, aged 53 years. The detenu has been detained by the third respondent by his order in D.O.No.87/2021-C2 dated 08.10.2021, holding him to be a "Black Marketer", as contemplated under the provisions of 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 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 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 fully 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 No.78 of the booklet, it is clear that the arrest intimation pertaining to the 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 D.O.No.87/2021-C2 dated 08.10.2021 passed by the third respondent is set aside. The detenu, viz., Elumalai s/o.Annamalai, aged 53 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The Secretary to the Government,
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New Delhi - 110 001.
2. The Secretary to the Government,
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4. The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
5. The Superintendent of Prison,
Central Prison, Vellore - 2.
6. The Inspector of Police,
Civil Supplies CID Police Station,
Tiruvannamalai 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.

H.C.P.No.1698 of 2021

AD(CO)
SP(25/02/2022)