



H.C.P.No.776 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.07.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.S.RAMESH
AND
THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.776 of 2025

Magesh Raja

.. Petitioner

Vs.

1.The Additional Secretary to Government
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs
Government of India
Room No.270, Krishi Bhavan, New Delhi 110 001

2.The Principal Secretary to Government
Co-operation, Food and Consumer Protection Department
II Floor, Namakkal Kavignar Maligai
Secretariat, Fort St. George
Chennai 600 009

3.The Commissioner of Police
Avadi City
O/o.The Commissioner of Police
(Goondas Section)
Avadi, Chennai 600 054

4.The Superintendent of Prison,
Central Prison
Puzhal, Chennai 600 066

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5.The Inspector of Police
CSCID (Chennai North)
Ambathur, Chennai 600 053

.. Respondents

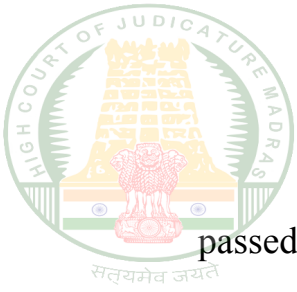
Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus directing the respondents to produce the petitioner's brother Rajesh S/o.Swaminathan @ Mundansamy, male, aged 24 years, detained under Sub Section 3(2)(b) r/w 3(1) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act No.7 of 1980) *vide* order No.6/Black Marketing Act/2025 dated 02.04.2025 and now confined at Central Prison, Puzhal, before this Court and set him at liberty forthwith by call for records and setting aside the order of detention bearing order No.06/Black Marketing Act/2025 dated 02.04.2025 on the file of the 3rd respondent.

For petitioner	: Mrs.Shaikh Mehrunisa
For RR2 to 5	: Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
AND
V. LAKSHMINARAYANAN, J.

The petitioner, who is the brother of the detenu Rajesh S/o.Swaminathan @ Mundansamy, aged 24 years, confined at Central Prison, Puzhal, has come forward with this petition challenging the detention order



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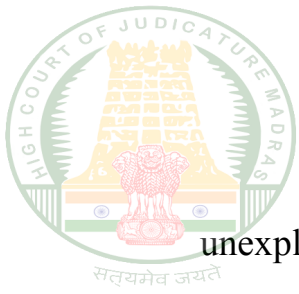
passed by the 3rd respondent dated 02.04.2025 issued against his brother,

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branding him as "Black Marketeer" under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 [Central Act No.7 of 1980].

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 2 to 5.

3. Though several grounds are raised in the petition, the learned counsel for the petitioner focused mainly on the ground that there is an unexplained delay in considering the representation of the petitioner, dated 09.04.2025. According to the learned counsel for the petitioner, though the representation is dated 09.04.2025, the same has been received by the Government only on 15.04.2025; the file has been dealt with by the Joint Secretary on 16.05.2025 and the Minister concerned dealt with the file only on 22.05.2025 and the Rejection Letter was prepared on 22.05.2025 and sent to the detenu on 22.05.2025. It is the further submission of the learned counsel that the delay of 22 days in considering the representation remains



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unexplained and the same vitiates the detention order. In support of his contention, the learned counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court in ***Rajammal Vs. State of Tamil Nadu, reported in (1999) 1 SCC 417.***

4. As per the submission of the learned counsel for the petitioner and on perusal of the records, we find that the representation of the petitioner is dated 09.04.2025, which was received by the Government on 15.04.2025 and further, the Minister concerned had dealt with the file of the detenu only on 22.05.2025 and the Rejection Letter was sent to the detenu on 22.05.2025. Thus, we find there is a considerable delay of 22 days in considering the representation of the petitioner. This delay of 22 days in considering the petitioner's representation remains unexplained.

5. It is trite law that the representation should be very expeditiously considered and disposed of with a sense of urgency and without avoidable delay. Any unexplained delay in the disposal of the representation would be a breach of the constitutional imperative and it would render the continued



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detention impermissible and illegal. From the records produced, we find that

no acceptable explanation has been offered for the delay of 22 days.

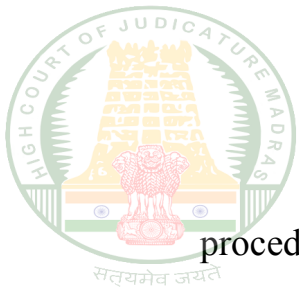
Therefore, we have to hold that the delay has vitiated further detention of the detenu.

6. In the judgment of the Hon'ble Supreme Court in ***Rajammal's case*** (*cited supra*), it has been held as follows:

"It is a constitutional obligation of the Government to consider the representation forwarded by the detenu without any delay. Though no period is prescribed by Article 22 of the Constitution for the decision to be taken on the representation, the words "as soon as may be " in clause (5) of Article 22 convey the message that the representation should be considered and disposed of at the earliest."

As per the dictum laid down by the Supreme Court in above cited ***Rajammal's case***, number of days of delay is immaterial and what is to be considered is whether the delay caused has been properly explained by the authorities concerned. But, here the inordinate delay of 22 days has not been properly explained at all.

7. Further, in a recent decision in ***Ummu Sabeena vs. State of Kerala- 2011 STPL (Web) 999 SC***, the Hon'ble Supreme Court has held that the history of personal liberty, as is well known, is a history of insistence on



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procedural safeguards. The expression 'as soon as may be', in Article 22(5) of the Constitution of India clearly shows the concern of the makers of the Constitution that the representation, made on behalf of the detenu, should be considered and disposed of with a sense of urgency and without any avoidable delay.

8. In the light of the above discussion, we have no hesitation in quashing the order of detention on the ground of delay on the part of the Government in disposing of the representation of the petitioner.

9. Accordingly, the detention order passed by the third respondent, in No.6/Black Marketing Act/2025 dated 02.04.2025, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Rajesh S/o.Swaminathan @ Mundansamy, aged 24 years, confined at Central Prison, Puzhal, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(M.S.R.,J.) (V.L.N.,J.)
18.07.2025

Index : Yes/No Neutral Citation : Yes/No
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High Court, Madras



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