



H.C.P.No.941 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 30.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.941 of 2025

G.Meena

.. Petitioner

Vs.

- 1.The Additional Secretary,
Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution (Dept. of Consumer Affairs),
Room No.270, Krishi Bhawan,
New Delhi – 110 001.
- 2.The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Namakkal Kavignar Maaligai, II Floor,
Secretariat, Chennai – 600 009.
- 3.The District Collector and District Magistrate,
Krishnagiri District, Krishnagiri.
- 4.The Superintendent of Police,
Krishnagiri, Krishnagiri District.
- 5.The Superintendent of Prison,
Central Prison, Salem, Salem District.



H.C.P.No.941 of 2025

6.The Inspector of Police,
GSCID Krishnagiri,
Krishnagiri District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records of the third respondent herein pertaining to the detention order made in S.C.No.14/2025 (CS) dated 23.04.2025 and quash the same and direct the respondents to produce the body of the detenu namely Govindaraj @ Mersal, Son of Ponnandi, aged about 34 years, now detained in Central Prison, Salem before this Court and set the detenu at liberty forthwith.

For Petitioner : Mr.M.P.Saravanan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner herein, who is the wife of the detenu namely Govindaraj @ Mersal, aged about 34 years, S/o.Ponnandi, has come forward with this petition challenging the detention order passed by the third respondent dated 23.04.2025 issued against her husband, branding him as "Black Marketer" under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980).



H.C.P.No.941 of 2025

WEB COPY

2.Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

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 12.05.2025. According to the learned counsel for the petitioner, though the representation is dated 12.05.2025, the same has been received by the Government only on 15.05.2025; the file has been dealt with by the Secretary Law on 18.06.2025; the Minister concerned dealt with the file on 23.06.2025; the Rejection Letter was prepared on 23.06.2025 and was sent to the detenu through e-mail on 23.06.2025. It is the further submission of the learned counsel that the delay of 27 days in considering the representation remains 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*'.



H.C.P.No.941 of 2025

WEB COPY

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 12.05.2025, which was received by the Government on 15.05.2025 and further, the Minister concerned had dealt with the file of the detenu only on 23.06.2025 and the Rejection Letter was sent to the detenu on 23.06.2025. Thus, we find that there is a delay of 27 days in considering the representation of the petitioner. This delay of 27 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 detention, impermissible and illegal. From the records produced, we find that no acceptable explanation has been offered for the delay of 27 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*



H.C.P.No.941 of 2025

WEB COPY

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 Hon'ble 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 27 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 procedural safeguards. The expression 'as soon as may be', in Article 22(5) of the Constitution of India clearly shows the concern of



H.C.P.No.941 of 2025

WEB COPY

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 detenu.

9.Accordingly, the detention order passed by the third respondent on 23.04.2025 in S.C.No.14/2025 (CS), is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Govindaraj @ Mersal, aged about 34 years, S/o.Ponnandi, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case. No costs.

(M.S.R., J)

(V.L.N., J)

30.07.2025

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No



H.C.P.No.941 of 2025

WEB COPY

To

- 1.The Additional Secretary,
Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution (Dept. of Consumer Affairs),
Room No.270, Krishi Bhawan,
New Delhi – 110 001.
- 2.The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Namakkal Kavignar Maaligai, II Floor,
Secretariat,
Chennai – 600 009.
- 3.The District Collector and District Magistrate,
Krishnagiri District,
Krishnagiri.
- 4.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
- 5.The Superintendent of Prison,
Central Prison, Salem,
Salem District.
- 6.The Inspector of Police,
CSCID Krishnagiri,
Krishnagiri District.
- 7.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
- 8.The Public Prosecutor,
High Court, Madras.



WEB COPY



H.C.P.No.941 of 2025

M.S.RAMESH, J.
and

V.LAKSHMINARAYANAN, J.

krk

H.C.P.No.941 of 2025

30.07.2025