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HCP No. 1700 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P No. 1700 of 2025

1. Saira Banu

W/o.Asan Madhar, No.139/140, 7th

Street, Pudhu Nagar, MKB Nagar,

Vyasarpadi, Chennai

Petitioner(s)

Vs

1. The Additional Secretary

Government of India

Ministry of Consumers of Affairs,

Food and Public Distribution

Department of Consumer Affairs,

Room No.270, Krishi Bhawan,

New Delhi-110 001

2.The Secretary to Government

Co-Operative , Food and Consumer

Protection Department, 2nd Floor,

Namakkal Kavignar Maaligai,

Secretariat, Chennai-09



3.The Commissioner of Police
Greater Chennai

4.The Superintendent of Prison
Central Prison II, Puzhal, Chennai

5.The Inspector of Police
Civil Supplies CID, Chennai North Unit

Respondent(s)

PRAYER

The Habeas Corpus Petition is 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 second respondent dated 04.07.2025 in Memo No.2/2025 under black marketing Act against the petitioner's husband namely Asan Madar, Male aged 40 years, S/o.Babu who is confined at Central Prison II, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Mr. S. Senthilvel

For Respondent(s): Mr. V. Chandrasekaran
Senior Panel Counsel for R1

Mr. A. Gokulakrishnan
Additional Public Prosecutor
for R2 to R5

**ORDER****(Order of the Court was made by N.SATHISH KUMAR, J.)**

WEB COPY The petitioner herein, who is the wife of the detenu viz., Asan Madar S/o Babu, aged 40 years, confined at Central Prison-II, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent dated 04.07.2025 slapped on her husband, branding him as "Black Marketeer" under the Provisions of Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Act No.7 of 1980).

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

3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the Temporary Acknowledgement for Seizure Item was not properly translated into Tamil. Hence, it is submitted that the detenu was deprived of making effective representation.

4. On a perusal of the Booklet, it is seen that Page No.44 of the booklet furnished to the detenu, i.e., Temporary Acknowledgment for Seizure Item was not properly translated into Tamil version. Therefore, the detenu is deprived from making effective representation and that the Detention Order passed by the Detaining Authority is vitiated.



5. In this context, it is useful to refer to the judgment of the Hon'ble Supreme Court in '**Powanammal Vs. State of Tamil Nadu**' reported in '**(1999) 2 SCC 413**'. The Hon'ble Supreme Court, after discussing the safeguards embodied in Article 22[5] of the Constitution, observed that the detenu should be afforded an opportunity of making representation effectively against the Detention Order and that, the failure to supply every material in the language which can be understood by the detenu, is imperative. In the said context, the Hon'ble Supreme Court has held in Paragraphs 9 and 16 {as in SCC journal} as follows:-

“9. However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the



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document in the language known to and understood by the detenu, should the document be in a different language.

..... *16. For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”*

6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 04.07.2025 in Memo No.02/2025 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., **Asan Madar S/o. Babu**, aged about 40 years, confined at **Central Prison-II, Puzhal, Chennai**, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)

27-10-2025

ASI



To

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

2. The Secretary to Government
Co-Operative , Food and Consumer
Protection Department, 2nd Floor,
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