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H.C.P.No.1777 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1777 of 2025

M.Saanthu Muhamed

... Petitioner/Detenu

-VS-

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

2. The Secretary to the Government,
Co-operation, Food and Consumer Protection Department,
2nd Floor, Namakkal, Kavingnar Maligai,
Secretariat, Chennai - 600 009.

3. The Commissioner of Police/Detaining Authority,
O/o. the Commissioner of Police, Coimbatore City.

4. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.

5. The Inspector of Police,
Civil Supplies CID, Coimbatore Unit,
Coimbatore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records pertaining to the Detention order passed by the third respondent made in his proceedings in



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C.No.02/PBMMSEC.Act/IS/2025 dated 09.07.2025 in detaining the detention under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act 1980 Central Act 7 of 1980 as a Black marketer and quash the same and direct the respondents herein to produce the petitioner namely M.Saanthu Muhamed S/o. Mohamed Aniba aged 44 years who is presently under going detention in the central Prison Coimbatore before this Honble Court and set him at liberty.

For Petitioner	: Mr.S.N.Arunkumar
For R2 to R5	: Mr.A.Gokulakrishnan Addl. Public Prosecutor
For R1	: Mr.V.Chandrasekaran Sr. Panel Counsel

ORDER

The petitioner herein, who is the detenue himself, namely, M.Saanthu Muhamed S/o. Mohamed Aniba, aged 44 years, detained at Central Prison, Coimbatore has come forward with this petition, challenging the detention order dated 07.07.2025, passed by the third respondent in C.No.02/PBMMSEC.Act/IS/2025, branding him as a "Black Marketeer", as contemplated as contemplated under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980).



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2. Heard the learned counsel for the petitioner, the learned

Additional Public Prosecutor appearing for the respondents 2 to 5 and

Mr.v.Chandrasekaran, learned Senior Panel Counsel for R1.

3. Though several grounds are raised in this petition, the learned counsel for the petitioner focused mainly on the ground that the requisition letter sent to TNCSE Godown, Pursaripalayam for testing 2,100 kgs of PDS rice is undated and the subjective satisfaction of the Detaining Authority based on this undated letter , would vitiate the Detention Order.

4. It is seen from records that the letter of requisition, enclosed in the Booklet at Pg.No.24, is not dated. In the absence of the date, the compelling necessity to detain, becomes suspicious. Hence, this Court is of the view that the subjective satisfaction of the Detaining Authority based on such undated material, suffers from non-application of mind.

5. The Hon'ble Supreme Court, in the case of '**Rekha Vs. State of Tamil Nadu through Secretary to Government and another**' reported in



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'2011 [5] SCC 244', has dealt with a situation where the Detention Order is passed without an application of mind. In case, any of the reasons stated in the order of detention is non-existent or a material information is wrongly assumed, that will vitiate the Detention Order. When the subjective satisfaction was irrational or there was non-application of mind, the Hon'ble Supreme Court held that the order of detention is liable to be quashed. It is relevant to extract paragraph Nos.10 and 11 of the said judgment of the Hon'ble Supreme Court:-

“10.In our opinion, if details are given by the respondent authority about the alleged bail orders in similar cases mentioning the date of the orders, the bail application number, whether the bail order was passed in respect of the co-accused in the same case, and whether the case of the co-accused was on the same footing as the case of the petitioner, then, of course, it could be argued that there is likelihood of the accused being released on bail, because it is the normal practice of most courts that if a co-accused has been granted bail and his case is on the same footing as that of the petitioner, then the petitioner is ordinarily granted bail. However, the respondent authority should have given details about the alleged bail order in similar cases, which has not been done in the present case. A mere ipse dixit statement in the grounds of detention cannot sustain the detention order and has to be ignored.

11.In our opinion, the detention order in question only contains ipse dixit regarding the alleged imminent possibility of



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the accused coming out on bail and there was no reliable material to this effect. Hence, the detention order in question cannot be sustained.”

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. For the aforesaid reasons, the Habeas Corpus Petition is allowed and the Detention Order passed by the Third Respondent in C.No.02/PBMMSEC.Act/IS/2025 dated 09.07.2025 is hereby set aside. The detainee, viz., M.Saanthu Muhamed S/o. Mohamed Aniba, aged 44 years, who is now confined in the Central Prison, Coimbatore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(N.S.K,J.) (M.J.R,J.)
14.11.2025

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To:

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4. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
5. The Inspector of Police,
Civil Supplies CID, Coimbatore Unit,
Coimbatore District.
6. The Joint Secretary to Government
Public (Law & Order),
Fort St.George, Chennai-600 009.
7. The Public Prosecutor,
High Court, Madras.

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