



H.C.P(MD)No.1202 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM:

**THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Mr.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.1202 of 2025

Sasikala

... Petitioner

Vs

1. The Secretary to Government of India,
Ministry of Consumer Affairs, Food and Public Distribution,
(Department of Consumer Affairs)
Room No.270 Krishi Bhavan
New Delhi 110 001.
2. The Additional Secretary to Government of India
Ministry of Consumer Affairs, Food and Public Distribution,
(Department of Consumer Affairs)
Room No.270 Krishi Bhavan
New Delhi 110 001.
3. The Secretary to Government
Cooperation, Food and Consumer Protection Department
2nd Floor, Namakkal Kavignar Maaligai
Secretariat, Chennai 600 009.
4. The District Collector and District Magistrate
Virudhunagar District.
5. The Superintendent,
Central Prison,
Madurai District.

... Respondents



H.C.P(MD)No.1202 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records pertaining to the impugned detention order passed by the 4th respondent made in his proceedings in Cr.M.P.No.7/2025 dated 24.05.2025 in detaining the detenu under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act 1980 (Central Act 7 of 1980) as a Black Marketeer and quash the same and direct the respondents to produce the detenu namely Aswinbose, son of Lakshmanan, male aged about 28/2025, who is detained in Central Prison, Madurai before this court and set him at liberty.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.A.Thiruvadikumar for R3 to R5
Additional Public Prosecutor
Mr.V.Sasikumar for R1 and R2

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN,J.)

The petitioner is the mother of the detenu viz., Aswinbose S/o. Lakshmanan, aged about 28 years. The detenu has been detained by the 4th respondent by Detention Order in Cr.M.P.No.7/2025 dated 24.05.2025 holding him to be a 'Black Marketeer', as contemplated under Section 3(2)(a) read with 3(1) of the Central Act No.7 of 1980. The said



H.C.P(MD)No.1202 of 2025

WEB COPY

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 several grounds have been raised in the Habeas Corpus 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 20.09.2025. According to the learned counsel for the petitioner, though the representation is dated 20.09.2025, the same was received by the Government on 23.09.2025 and the rejection letter was sent to the detenu on 06.11.2025. There is a delay of 28 days in considering the petitioner's representation. The said delay of 28 days in considering the representation remains unexplained and the same vitiates the impugned detention order. In support of his contention, learned counsel for the petitioner relied on the Judgment of the Honourable Supreme Court in *Rajammal vs. State of Tamil Nadu*, reported in (1999) 1 SCC 417.



H.C.P(MD)No.1202 of 2025

WEB COPY

4. Learned Additional Public Prosecutor, on instructions, submitted that after satisfying with the materials placed by the Sponsoring Authority, the Detaining Authority has passed the impugned detention order and there is no illegality or infirmity in the detention order. It is also stated that even if there is any delay in disposal of the representation, it has not caused any prejudice to the rights of the detenu and hence, prayed for dismissal of the Habeas Corpus Petition.

5. 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 20.09.2025, which was received by the Government on 23.09.2025 and the rejection letter was sent to the detenu on 06.11.2025. Hence, there is a delay of 28 days in considering the representation of the petitioner and we find that the said delay remains unexplained.

6. 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



H.C.P(MD)No.1202 of 2025

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

7. In the above cited decision of the Honourable Supreme Court in **Rajammal's** case, 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."

8. 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, in the instant case, the



H.C.P(MD)No.1202 of 2025

WEB COPY

inordinate delay of 28 days has not been properly explained.

9. Further, in a recent decision in ***Ummu Sabeena vs. State of Kerala-2011 STPL (Web) 999 SC***, the Honourable 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 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.

10. 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.

11. In the result, the Habeas Corpus Petition is allowed. The detention order passed in Cr.M.P.No.7/2025 dated 24.05.2025, by the 4th respondent, is set aside. Consequently, the detenu viz., Aswinbose, S/o. Lakshmanan, aged about 28 years, is directed to be released



H.C.P(MD)No.1202 of 2025

forthwith, unless his presence or custody or detention is required in connection with any other case.

**(C.V.K., J.) (R.V., J.)
18.11.2025**

Index : Yes / No
NCC : Yes / No
RR

To

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(Department of Consumer Affairs)
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6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P(MD)No.1202 of 2025

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and
R.VIJAYAKUMAR, J.

RR

ORDER MADE IN
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