



HCP No.440 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

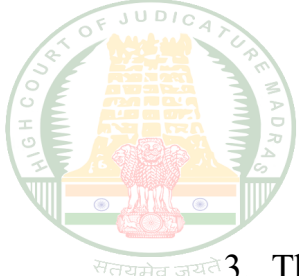
HCP No. 440 of 2026

Saranya,
W/o.Sivaraj,
Residing at 2/100-Vayakkadu,
Vaiyappamalai Via,
Rasipuram TK,
Namakkal District - 637 410.

..Petitioner/Wife of the
detenu

Vs

1. The State of Tamil Nadu,
Rep. By Secretary to Government, Home,
Cooperation, Food and Consumer Protection
Department.
Secretariat,
Chennai – 600 009.
2. The Additional Secretary to Government of
India,
Ministry of Consumer Affairs, Food and Public
Distribution
(Department of Consumer Affairs)
Room No.270, Rishi Bhavan,
New Delhi – 110 001.



HCP No.440 of 2026

WEB COPY

3. The District Magistrate and District Collector
Namakkal District, Namakkal.
4. The Deputy Superintendent of Police,
CSCID-Namakkal,
Namakkal District.
5. The Superintendent,
Central Prison, Salem.
6. The Inspector of Police,
CSCID-Chennai,
Erode Unit, incharge Namakkal Unit.

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order in C.M.P.No.9/BLACK MARKETER/2026 [M1], dated 10.02.2026 (wrongly mentioned as 11.02.2026 in the petition) passed by the 3rd respondent (wrongly mentioned as 2nd respondent in the petition) under section 3(2)(a) r/w 3(1) of the prevention of Black Marketing and Maintenance of supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980) and set aside the same and direct the respondents to produce petitioner's husband Sivaraj aged about 48 years the detenu, now confined in Central Prison, Salem, before this Court and set him at liberty.

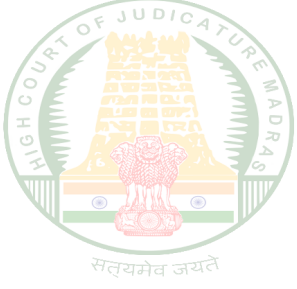
For Petitioner :

Mr.S.Karthikeyan
for Mr.K.Sakthivel

For Respondents:

Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1, R3 to R6

No appearance for R2



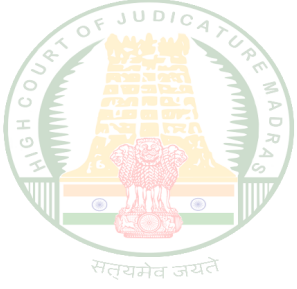
WEB COPY

ORDER**(Order of the Court was made by Sunder Mohan J.)**

The wife of detenu - Sivaraj, S/o.Kaliyannan, aged about 48 years, has filed this petition challenging the detention order dated 10.02.2026, branding him as a 'Black Marketeer' under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 [Central Act 7 of 1980].

2. We have heard the learned counsel for petitioner and the learned counsel for Government of Tamil Nadu (Criminal Side) for respondents 1, 3 to 6.

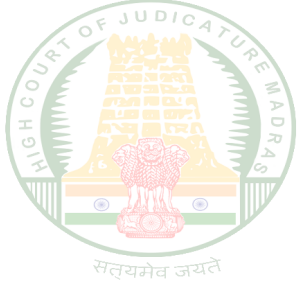
3. Though several grounds have been raised, we are of the view that the detention order is liable to be quashed on the ground that the satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail suffers from non-application of mind.



WEB COPY

4. In the grounds of detention, the detaining authority has stated that the detenu had filed the bail application in C.M.P.No.158 of 2026 before the learned Judicial Magistrate No.II, Namakkal, and the same is pending for hearing; that in a similar case, bail was granted to the accused therein by the learned Judicial Magistrate No.II, Namakkal in C.M.P.No.800 of 2024 dated 13.12.2024.

5. The detaining authority ought to have seen whether the facts in the bail order relied upon by him was comparable to the facts of the instant case. In the order relied upon by the detaining authority, the accused therein was granted bail because the quantity involved was 600 Kgs, whereas the offence in this case is graver as the quantity of PDS rice seized is huge (13454 Kgs of boiled ration rice and 26500 Kgs of broken rice). Therefore, the reliance placed by the detaining authority on the said order, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. Hence, the detention order is liable to be quashed.



WEB COPY

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the third respondent in C.M.P.No.9/Black Marketer/2026 [M1] dated 10.02.2026, is set aside.

7. The detenu, viz., Sivaraj, S/o.Kaliyannan, aged about 48 years, who is now confined in Central Prison, Salem, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
04-06-2026

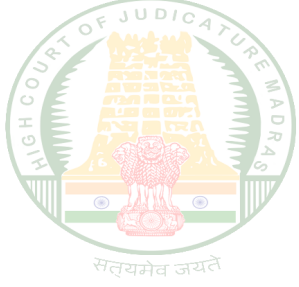
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Issue order copy today.

dk

To

1. The Secretary to Government
Home, Cooperation, Food and Consumer Protection Department
Secretariat,
Chennai – 600009.
2. The Additional Secretary to Government of India
Ministry of Consumer Affairs, Food and Public Distribution,
(Department of Consumer Affairs),

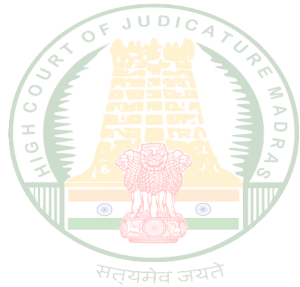


HCP No.440 of 2026

Room No.270, Rishi Bhavan,
New Delhi - 110001.

WEB COPY

3. The District Magistrate And District Collector and,
Namakkal District,
Namakkal.
4. The Deputy Superintendent of Police,
CSCID-Namakkal,
Namakkal District.
5. The Superintendent,
Central Prison,
Salem.
6. The Inspector of Police,
CSCID-Chennai,
Erode Unit, incharge Namakkal Unit.
7. The Joint Secretary,
Law and Order Department, Secretariat, Chennai.
8. The Public Prosecutor,
High Court, Madras.



WEB COPY

HCP No.440 of 2026

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

dk

HCP No. 440 of 2026

04-06-2026