



WEB COPY

HCP No. 902 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 902 of 2026

Chinnathambi

..Petitioner(s)

Vs

1. 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 11001.
2. The State of Tamilnadu,
Reptd. by its Secretary to Government (Home),
Cooperation, Food and Consumer Protection
Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
3. The District Magistrate and District Collector
Namakkal District,
Namakkal.
4. The Superintendent of Police
CSCID- Namakkal.
Namakkal District.
5. The Superintendent of Prison
Central Prison,
Salem.



6. The Inspector of Police,
CSCID- Chennai,
Erode Unit In charge,
Namakkal Unit.

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..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed in C.M.P.No. 26/BLACK MARKETER/2026 /(M1) , dated on 07.04.2026 passed by the 3rd respondent and set aside the same and directing the respondents to produce the petitioners son by name Thiru. Saravanan S/o.Chinnathambi aged about 48 years before this Honble Court now confined in Central Prison, Salem and set him at liberty.

For Petitioner(s): Mr.K.Thenrajan

For Respondent(s): Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

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

The father of detenu - Saravanan, aged about 48 years, S/o.Chinnathambi has filed this petition challenging the detention order dated 07.04.2026, 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].

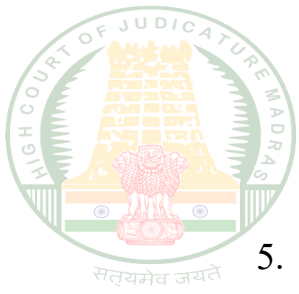


2. We have heard the learned counsel for petitioner and learned counsel for Government of Tamil Nadu (Criminal Side) for respondents 2 to 6.

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3. Though several grounds have been raised, we are of the view that the impugned detention order is liable to be quashed on the sole ground that the subjective satisfaction of the detaining authority as regards the real possibility of the detenu coming out on bail, is vitiated.

4. The detaining authority has observed in the grounds of detention that the detenu was in remand and a bail application is pending. He had referred to an order passed in CrI.M.P.No.800 of 2024, dated 13.12.2024, wherein the accused was granted bail, stating that the facts are similar. However, on perusal of the said order, we find that the facts are dissimilar. The accused therein along with another accused was found in possession of 600 Kgs of PDS rice. Whereas, the detenu is the sole accused in the ground case and was found in possession of 5,500 Kgs of PDS rice. Since the case of the detenu is far graver, the detaining authority ought not to have relied on the aforesaid order to arrive at the subjective satisfaction that the detenu is likely to be released on bail. As stated earlier, since the subjective satisfaction is vitiated on this ground, the detention order cannot be sustained.



5. 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. 26/Black Marketer/2026[M1] dated 07.04.2026, is set aside.

6. The detenu, viz., Saravanan, aged about 48 years, S/o.Chinnathambi, 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.)
02-07-2026

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

TSG

Note: Issue order copy today.

To

1. The Additional Secretary to Government of India
Ministry of Consumer Affairs,
Food and Public Distribution,
(Department of Consumer Affairs),
Room No. 270, Rishi Bhavan,
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2. The State of Tamilnadu,
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3. The District Magistrate and District Collector
Namakkal District,
Namakkal.
4. The Superintendent of Police
CSCID- Namakkal.
Namakkal District.
5. The Superintendent of Prison
Central Prison,
Salem.
6. The Inspector of Police,
CSCID- Chennai,
Erode Unit In charge,
Namakkal Unit.
7. The Joint Secretary,
Law and Order Department, Secretariat, Chennai.
8. The Public Prosecutor,
High Court, Madras.



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

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