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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.456 of 2026

Siraji Nisha

.. Petitioner / Mother of the detenu
Vs.

- 1.State of Tamil Nadu,
represented by its
the Principal Secretary to Government,
Co-Operation, Food and Consumer Protection Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai.
- 2.The District Magistrate and District Collector,
Dindigul District, Dindigul.
- 3.The Additional Secretary to Government,
Department of Consumer Affairs,
Ministry of Consumer Affairs,
Food and Public Distribution System,
Government of India,
Room No.270,
Krishi Bavan,
New Delhi-110 001.



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4. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

5. The Superintendent of Prison,
Theni District Prison,
Theni District.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India. to issue a writ of Habeas Corpus, to call for the entire records connected with the detention order of the Respondent No.2 in D.O.No.15/2026 (ROC No. 4256406/2026/C2) dated 10.02.2026 and quash the same and direct the respondents to produce the body and person of the detenu by name, Mohammed Shahaban Sait, son of Ismail, aged about 24 years, now confining at Theni District Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.Dr.R.Alagumani

For Respondents : Mr.G.Karuppasamy Pandian,
learned counsel for the State
of Tamil Nadu (Criminal
Side)



ORDER

WEB COPY (Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the mother of the detenu, by name, Mohammed Shahaban Sait, son of Ismail, aged about 24 years. The detenu has been detained by the second respondent by his order in D.O.No.15/2026 (ROC No.4256406/2026/C2) dated 10.02.2026 holding him to be a "Black Marketeer", as contemplated under Section 3(1) r/w 3(2)(a) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980). The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned counsel for the State of Tamil Nadu (Criminal Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

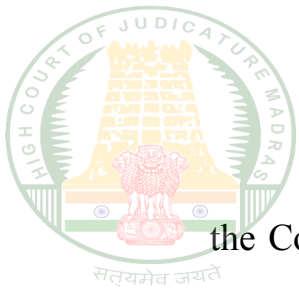
3. Apart from the other grounds that were raised by the learned counsel appearing for the petitioner one of the main ground that was raised is that the Detaining Authority was aware of the fact that the detenu had



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filed a bail petition and the same was dismissed, but, however, the Detaining Authority took into consideration the order passed in CrI.M.P.No.19995 of 2023 and CrI.M.P.No.330 of 2024 and came to a conclusion that the detenu has been granted bail in two adverse cases and therefore, there is likelihood of the detenu being granted bail in the ground case also. The learned counsel submitted that while granting bail in the adverse cases, the Court had taken into consideration the fact that there was no previous case against the detenu, but, however if the bail petition had been considered in the ground case, two adverse cases against the detenu would have been brought to the notice of this Court and the consideration of the bail petition would have been a different yardstick. Therefore, it is submitted that the detention order suffers from non-application of mind.

4. In the case in hand, there are two adverse cases and one ground case against the detenu. Insofar as the bail petition moved in the ground case, the same has been dismissed. The Detaining Authority came to a conclusion that there is likelihood of the detenu coming out on bail by taking note of the bail that has been granted in the ground case. While carefully going through the order passed in the bail petition, it is seen that



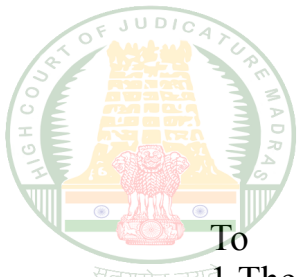
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the Court had taken into consideration the fact that there were no previous cases at the time of dealing with the bail petition in the adverse cases. If bail petition had been considered in the ground case, two adverse cases would have loomed large in the mind of the Court while dealing with the bail petition and in fact, that is the reason for the bail petition that was filed in the ground case came to be dismissed. Therefore, the satisfaction of the Detaining Authority that the detenu will come out on bail based on the bail order passed in the two adverse cases, suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in D.O.No.15/2026 (ROC No.4256406/2026/C2) dated 10.02.2026 passed by the second respondent is set aside. The detenu, viz., Mohammed Shahaban Sait, son of Ismail, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.,)
16.06.2026

Index : Yes / No
Internet : Yes / No
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To

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2. The District Magistrate and District Collector,
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5. The Superintendent of Prison,
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Theni District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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