



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.06.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MRS JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.539 of 2026

M.Manickathai

.. Petitioner / Mother of the detenu

Vs.

1.The Additional Secretary to Government of India,
Department of Consumer Affairs,
Food and Public Distribution,
Room No.270, Krishibhavan, New Delhi – 110 001.

2.The Secretary to Government,
Co-Operation, Food and Consumer Protection Department,
Namakkal Kavignar Maaligai,
Secretariat, Chennai - 9.

3.The District Magistrate and District Collector,
Virudhunagar District, Virudhunagar.

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

.. Respondents



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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 passed in Cr.M.P.No.07/2026 (Black Marketer), dated 24-02-2026 on the file of the 3rd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenue namely the petitioner's son I.e.Arumugam, aged about 26 years, S/o.Muthu, now detained at the Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.G.Karuppasamy Pandiyan
Counsel for State of TN (Crl.Side)

ORDER

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

The petitioner is the mother of the detenu, by name, Arumugam, aged about 26 years, S/o.Muthu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.07/2026 (Black Marketeer), dated 24-02-2026, holding him to be a "Black Marketeer", as contemplated under the provision of Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act No.7 of 1980).



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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. Apart from the other grounds that were raised, one of the main ground raised is that the Detaining Authority was aware of the fact that the bail petition filed by the detainee came to be dismissed and thereafter, no bail petition was filed in the ground case. However, the Detaining Authority took into consideration the order passed in Crl.M.P.No.2412 of 2024 and came to the conclusion that bail had been granted in a similar case and hence, there was a likelihood of the detainee coming out on bail. The learned counsel submitted that the order that was relied upon did not arise out of a similar case and hence, there was non-application of mind.

4. We carefully went through the order passed in Crl.M.P.No.2412 of 2024. In that case, the Court took into consideration the fact that there were no previous cases against the accused therein. In the case in hand, there were four adverse cases against the detainee apart from the ground case. Therefore, the order that was relied upon by the Detaining Authority



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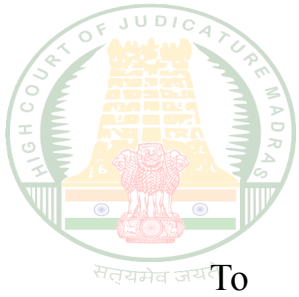
certainly does not arise out of a similar case. Consequently, the detention order suffers from non-application of mind.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.07/2026 (Black Marketer), dated 24-02-2026 passed by the second respondent is set aside. The detenu, viz., Arumugam, aged about 26 years, S/o.Muthu, is directed to be released forthwith unless her detention is required in connection with any other case.

(N.A.V.,J..) (K.K.R.K.,J.)
15.06.2026

Index : Yes / No
Internet : Yes / No

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 4. The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.
 5. 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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