



HCP(MD). No.1373 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.02.2026

CORAM

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS. JUSTICE R. POORNIMA**

H.C.P(MD). No.1373 of 2025

Kalaselvi,

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep By, The Secretary to Government,
Co-Operation, Food and Consumer
Protection Department, Secretariat,
Kavingar Maaligai 2 Floor,
Chennai - 9.

2. The District Magistrate and,
District Collector,
O/o. The District Magistrate and District Collector,
Tirunelveli District.

3. The Additional Secretary to Government,
Department of Consumer Affairs,
Ministry of Consumer Affairs,
Food and Public Distribution System,
Govt of India,
Room No.270, Krishi Bhava.

4. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents



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PRAYER :- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records connected with the detention order of the respondent No.2 in M.H.S.Confdl No.123/2025 dated 23.09.2025 and quash the same and direct the respondents to produce the body and person of the detenu by name Madasamy, son of Nanni, aged about 42 years, now confining at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Venkatesh,

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the wife of the detenu viz., Madasamy, S/o.Nanni aged about 42 years. The detenu has been detained by the second respondent by his order in Detention order in M.H.S.Confdl No.123/2025 dated 23.09.2025 holding him to be a "Black Marketeer", as contemplated under Section 3(2)(a) read with Section 3(1) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Act 7 of 1980). The said order is under challenge in this habeas corpus petition.



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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. The learned counsel appearing for the petitioner raised a ground that there was a huge delay in considering the representation submitted by the detene to re-consider the order of detention.

4. The representation dated 04.10.2025 was received on 07.10.2025, however it was rejected only on 11.11.2025 and hence there was a huge delay and on this sole ground alone the order of detention cannot be sustained and the same is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl No.123/2025 dated 23.09.2025, passed by the second respondent is set aside. The detenu, viz., Madasamy, S/o.Nanni aged about 42 years, is directed to be released



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forthwith unless his detention is required in connection with any other case. However it is made clear that if any application filed by the detenu the trial Court is directed to consider the bail application on its own merits and in accordance without being influenced by any of the observation made in this order.

[G.K.I., J.] [R.P., J.]
12.02.2026

NCC :Yes/No
Internet: Yes/No
LS

TO

1.The Secretary to Government,
Co-Operation, Food and Consumer
Protection Department,Secretariat,
Kavingar Maaligai 2 Floor,
Chennai - 9.

2. The District Magistrate and,
District Collector,
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4. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District..

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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