



HCP.No.818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.818 of 2024

Ramakrishnan

... Petitioner

Vs.

1.State rep By:
The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.Gorge,
Chennai - 9.

2.The District Magistrate
and District Collector,
Dharmapuri District,
Dharmapuri.

3.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

4.The Superintendent of Prison,
Central prison, Salem.

5.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri 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 records in S.C.No.28/2023 dated 26.12.2023 on the file of the second respondent herein and quash the detention as illegal and direct the respondents to produce the detenu, Thiru.Vishnu @ Pattalam, S/o.Ramakrishnan, aged about 27 years, now confined in Central Prison, Salem, before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : M/s.S.Sengkodi
For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

The petitioner herein, who is the father of the detenu Vishnu @ Pattalam, aged about 27 years, S/o.Ramakrishnan, has come forward with this petition challenging the detention order passed by the second respondent dated 26.12.2023 slapped on his son, branding him as "GOONDA" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders,



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Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel for the petitioner submitted that there is an inordinate delay in passing the order of detention.

4. In the instant case, the detenu was arrested on 23.10.2023 and thereafter, the detention order came to be passed on 26.12.2023. This fact is not disputed by the learned Additional Public Prosecutor.

5. In the case of '*Sushanta Kumar Banik Vs. State of Tripura*', reported in '*2022 LiveLaw (SC) 813*', when there was an inordinate delay from the date of proposal till passing of the detention order and likewise, between the date of detention order and the actual arrest, the



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Banik's case, a co-ordinate Bench of this Court in the case of '***Gomathi Vs. Principal Secretary to Government and Others***', reported in '***2023 SCC OnLine Mad 6332***', had held that when there is an inordinate delay from the date of arrest/date of proposal till the order of detention, the live and proximate link between them would also stand snapped and thereby, had quashed the detention order on this ground.

7. In yet another case i.e., in '***Nagaraj Vs. State of Tamil Nadu***', reported in '***(2018) 3 MWN (Cri) 428***', this Court had held that the delay of 36 days in passing the detention order after the arrest of the detenu would snap the live and proximate link between the grounds and purpose of detention. Hence, in view of the unexplained and inordinate delay in passing the order of detention, after the arrest of the detenu, the detention order in the present case, is liable to be quashed.

8. Accordingly, the detention order passed by the second respondent on 26.12.2023 in S.C.No.28/2023, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu Vishnu @ Pattalam, aged



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about 27 years, S/o.Ramakrishnan, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[M.S.R., J]

[S.M., J]

15.07.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Tsg

To

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The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.Gorge,
Chennai - 9.

2.The District Magistrate
and District Collector,
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Dharmapuri.

3.The Superintendent of Police,
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Dharmapuri District.

6.The Public Prosecutor,
High Court of Madras.

M.S.RAMESH, J.
and
SUNDER MOHAN, J.



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