



WEB COPY



HCP.No.2268 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

H.C.P.No.2268 of 2024

Anne Selvarani Rajamani

... Petitioner/Mother of the Detenu

Vs.

1. State of Tamil Nadu,
Represented by the Additional Chief Secretary
to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery,
Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 600 066.
4. The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.

... Respondents



HCP.No.2268 of 2024

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Habeas Corpus, calling for the records relating to the detention order in Memo No.698/BCDFGISSSV/2024, dated 21.06.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son, Joel Moses Imanuvel S/o. Harry George aged about 24 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner	: Mr.R.Murugan
For Respondents	: Mr.E.Raj Thilak
	Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The preventive detention order passed by the second respondent dated 21.06.2024 is sought to be quashed in the present habeas corpus petition.

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 11.05.2024 and



thereafter, the detention order came to be passed on 21.06.2024. This fact is not disputed by the learned Additional Public Prosecutor. Further, the impugned detention order was passed based on ground case alone and no adverse case has been relied on.

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 Hon'ble Supreme Court had held that the live and proximate link, between the grounds and the purpose of detention, stands snapped in arresting the detenu. The relevant observation of the Hon'ble Supreme Court is extracted hereunder:-

“20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is



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Imanuvel, aged 24 years, S/o. Haary George confined at Central Prison, Puzhal,

Chennai is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[A.D.M.C., J.]

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Index: Yes/No

Speaking/Non-speaking order

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Represented by the Additional Chief Secretary
to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
The Greater Chennai City,
Vepery,
Chennai - 600 007.
4. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 600 066.
5. The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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