



H.C.P.(MD)No.743 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.11.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**  
**and**  
**THE HONOURABLE MS.JUSTICE R.POORNIMA**

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Artheeswari

... Petitioner / Wife of the Detenue

Vs.

- 1.The State rep. by  
The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai-9.
- 2.The District Collector and District Magistrate,  
Tirunelveli District,  
Tirunelveli.
- 3.The Superintendent of Prison,  
Central Prison, Palayamkottai,  
Tirunelveli.
- 4.The Inspector of Police,  
Ambasamudram Police Station,  
Tirunelveli District.

... Respondents

**PRAYER** : Petition filed under Article 226 of the Constitution of India  
praying for the issue of a Writ of Habeas Corpus, to call for the records



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relating to the impugned order of Detention made in M.H.S.Confdl.No. 82/2024, dated 17.05.2024 on the file of the District Collector and District Magistrate, Tirunelveli District, 2<sup>nd</sup> Respondent herein branded the petitioner's husband / the detinue by name Vembu Sudalai S/o.Selvaraj aged about 24 years as 'Goonda' who is now confined in Central Prison, Palayamkottai and quash the impugned order of detention and set the petitioner's husband at liberty by producing him before this Court.

For Petitioner : Mr.T.J.Ebenezer Charles

For Respondents : Mr.T.Senthil Kumar  
Additional Public Prosecutor.

### **ORDER**

**(Order of the court was delivered by G.R.Swaminathan, J.)**

Heard both sides.

2. The petitioner's husband was detained as 'Goonda' vide order dated 17.05.2024. He was arrested on 17.04.2024. The case of the petitioner is that on account of the delay in passing the detention order, the live and proximate link between the grounds and the purpose of detention stood snapped.



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3. The petitioner's counsel relies on the decision of the Hon'ble Supreme Court reported in **(2022 Livelaw (SC) 813) (Sushanta Kumar Banik Vs. State of Tripura)**. The Hon'ble Supreme Court in the said decision held as follows:-

“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 unreasonable and stands unexplained depends on the facts and circumstances of each case.”

4. We are satisfied that the aforesaid decision clearly applies to the case on hand. The detention order is quashed on this ground.



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(G.R.S. J.,) & (R.P. J.,)  
26.11.2024

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
rmi

***Note: Issue Order Copy on 28.11.2024.***

To:-

1. The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai-9.
2. The District Collector and District Magistrate,  
Tirunelveli District,  
Tirunelveli.
3. The Superintendent of Prison,  
Central Prison, Palayamkottai,  
Tirunelveli.
4. The Inspector of Police,  
Ambasamudram Police Station,  
Tirunelveli District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.R.SWAMINATHAN, J.**  
**and**  
**R.POORNIMA, J.**

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