



H.C.P.(MD)No.756 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.11.2024

CORAM

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

H.C.P.(MD)No.756 of 2024

Kathiravan

... Petitioner / Detenue

Vs.

- 1.The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Sivagangai District,
Sivagangai.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

... 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 entire records connected with the detention order of the second respondent in Cr.M.P.No.6/B.L/2024, dated 21.05.2024 and quash the same and direct



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the respondents to produce the body or person of the detenu by name Kathiravan son of Kaliyaperumal, aged about 50 years, now detained as “Bootlegger” in Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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 was branded as 'Bootlegger' vide order dated 21.05.2024. He was arrested on 31.03.2024. 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.

3. The petitioner's counsel relies on the decision of the Hon'ble Supreme Court reported in *(2022 Livelaw (SC) 813) (Sushanta Kumar*



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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. The Habeas Corpus Petition is allowed.

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

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note:Issue Order Copy on 28.11.2024.



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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
R.POORNIMA, J.

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