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HCP NO. 718 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-07-2025**

CORAM

THE HONOURABLE MR JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

HCP NO. 718 of 2025

Arun Kumar

S/o Kuppusamy, No.6, A-Block, Kothavalchavadi Housing Board,
Saidapet, Chennai 600015.

Petitioner(s)

Vs

1. The State of Tamil Nadu rep by its Additional Chief Secretary to
Government
Department of Prohibition and Excise (home),
Fort St. George, Chennai 600009.

2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai 600007.

3. The Superintendent of Prison
Central Prison,
Puzhal, Chennai.

4. The Inspector of Police
J-1, Saidapet Police Station, Chennai.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in No.173/BCDFGISSSV/2025 dated 25.03.2025, on the file of second respondent herein and set aside the same as illegal and



produce the detenu Ashok, Son of Kuppusamy, aged about 24 years, who is con

Central Prison, Puzhal, Chennai, before htis Court and set him at liberty.

For Petitioner(s): Mr.Ilayaraja Kandasamy

For Respondent(s): Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

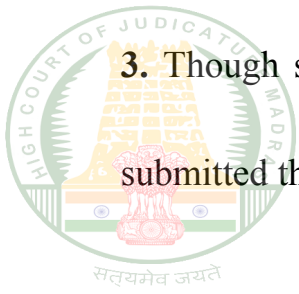
M.S.RAMESH, J.

AND

V.LAKSHMINARAYANAN, J.

The petitioner herein, who is the brother of detenu viz. Ashok, aged about 24 years, S/o.Kuppusamy, has come forward with this petition challenging the detention order passed by the second respondent dated 25.03.2025 slapped on his brother, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, 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.



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

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4. In the instant case, the detenu was arrested on 20.02.2025 and thereafter, the detention order came to be passed on 25.03.2025. 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 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



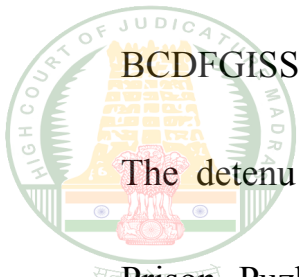
invalid because the “live and proximate link” between the grounds of d
and the purpose of detention is snapped in arresting the detenu. A question
whether the delay is unreasonable and stands unexplained depends on the facts
and circumstances of each case.”

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6. Drawing inspiration from the judgment in ***Sushanta Kumar 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 25.03.2025 in



BCDFGISSSV No.173/2025, is hereby set aside and the Habeas Corpus Petition is allowed.



The detenu viz. Ashok, male, aged about 24 years, S/o.Kuppusamy, confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless his confinement is

WEB COPY

required in connection with any other case.

(M.S.RAMESH J.) (V.LAKSHMINARAYANAN J.)

04-07-2025

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Index: Yes / No

Neutral Citation

Speaking / Non Speaking

To

1. The Additional Chief Secretary to Government
Department of Prohibition and Excise (home),
Fort St. George, Chennai 600009.

2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai 600007.

3. The Superintendent of Prison
Central Prison,
Puzhal, Chennai.

4. The Inspector of Police
J-1, Saidapet Police Station, Chennai.

5. The Public Prosecutor
High Court of Madras
Chennai 600 104

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WEB COPY



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