



H.C.P.No.1301 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM:

THE HONOURABLE MRS. JUSTICE **J. NISHA BANU**

AND

THE HONOURABLE MR. JUSTICE **S. SOUNTHAR**

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Akash,
S/o Kandasamy

... Petitioner

Vs.

State of Tamilnadu rep. by

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2. District Collector and District Magistrate
Cuddalore, Cuddalore City.

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

4. The Superintendent of Prison,
Central Prison,
Cuddalore.

5. The Inspector of Police,
Puduchatram Police Station,
Cuddalore.

... Respondents

PRAYER: The Habeas Corpus Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus, to call for records pertaining to the order of detention passed by the 2nd respondent in C3/D.O./64/2025 dated 05.05.2025, in which, the



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petitioner/detenu, Akash, aged 22 years, S/o Kandasamy who is now confined in Central Prison, Cuddalore, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The order of the Court was made by S.Sounthar,J.)

The petitioner herein, who is the detenu, viz., Akash, aged 22 years, S/o Kandasamy, has come forward with this petition challenging the detention order passed by the second respondent in No.C3/D.O./64/2025 dated 05.05.2025, branding him as "Goonda" 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] read with the order issued by the Government in G.O.(D).No.109 Home Prohibition and Excise (XVI) Department dated 11.04.2025 under sub section (2) of Section 3 of the said Act.

2. We have heard the learned counsel appearing for the petitioner



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and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. According to the learned counsel for the petitioner, the detenu was arrested on 03.04.2025 and the detention order was passed only on 05.05.2025, i.e., after a delay of more than 32 days. Since there was an inordinate delay of more than 32 days in passing the order of detention, the impugned order of detention is liable to be set aside.

4. Learned Additional Public Prosecutor would also state that the petitioner was arrested on 03.04.2025 and the order of detention was passed only on 05.05.2025.

5. We have gone through the entire materials placed on record. As seen from the grounds of detention, it is clear that though the detenu was arrested on 03.04.2025, the order of detention came to be passed only on 05.05.2025 i.e., beyond the period of 32 days from the date of arrest. There is no satisfactory explanation offered by the Detaining Authority for the delay in passing the order of detention. Hence, the impugned



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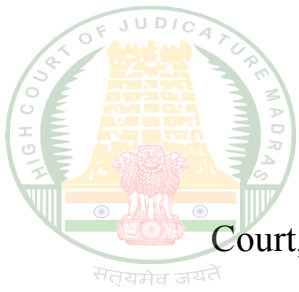
order of detention is liable to be set aside.

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6. Further, the issue involved in this petition is squarely covered by the ratio laid down by the decision of the Hon'ble Supreme Court in the case of ***Sushanta Kumar Banik Vs. State of Tripura***, reported in '**2022 LiveLaw (SC) 813**'. The relevant portion of the said judgment 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 unreasonable and stands unexplained depends on the facts and circumstances of each case.”

Therefore, following the aforesaid judgment of the Hon'ble Supreme



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Court, the impugned order passed by the 2nd respondent is liable to be set aside.

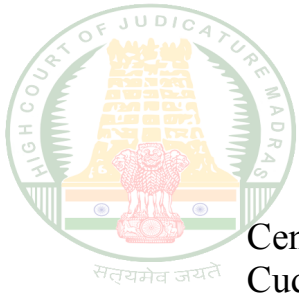
7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in C3/D.O./64/2025 dated 05.05.2025, is hereby set aside. The detenu, viz., Akash, S/o Kandasamy, aged 22 years, who is now confined in the Central Prison, Cuddalore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

(J.NISHA BANU, J.) (S. SOUNTHAR, J.)

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vsi
To

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. District Collector and District Magistrate
Cuddalore, Cuddalore City.
3. The Superintendent of Police,
Cuddalore District, Cuddalore.
4. The Superintendent of Prison,



Central Prison,
Cuddalore.

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5. The Inspector of Police,
Puduchatram Police Station,
Cuddalore.
6. The Public Prosecutor,
High Court of Madras,
Chennai.



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