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HCP No. 1444 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No. 1444 of 2025

Pushpa Rani
W/o.Veerappan,
27, Sivarajapuram, 3rd Street,
Pulianthope, Chennai-600 012.

Petitioner(s)

Vs

1. The State of Tamilnadu
Rep.by its Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai-600 009.
- 2.The Commissioner of Police,
Office of Commissioner of Police,
Chennai-600 007.
- 3.The Superintendent of Prisons,
Central Prison, Puzhal,
Chennai-600 066.



4. The Inspector of Police,
P-4, Basin Bridge Police Station,
Chennai District.

Respondent(s)

PRAYER

This writ petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the detention order in 407/BCDFGISSSV/2025 DATED 27.06.2025 passed by the 2nd Respondent under the Tamil Nadu Act 14 of 1982 and quash the same and direct the Respondents to produce the detenu Sarathkumar, aged 32 years, S/o.Murali, who is presently confined in the Central Prison, Cuddalore before this Honble Court and set him at liberty.

For Petitioner(s): M/s.Santhosh.P

For Respondent(s): Mr. A. Gokulakrishnan,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner, who is the grand mother of the detenu Sarathkumar, male, aged 35 years, S/o.Murali, has come forward with this petition challenging the



detention order passed by the second respondent dated 27.06.2025 bearing reference No. 407/BCDEFGISSSV/2025 slapped on her grand son, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for petitioner submitted that live and proximate link between the grounds of detention and purpose of detention has snapped as the petitioner's grand son was remanded to judicial custody on 26.05.2025 but the impugned detention order has been passed on 27.06.2025.



4. Mr.A.Gokulakrishnan, learned State Additional Public Prosecutor, submits to the contrary by saying that materials had to be collected /collated and time was consumed in this exercise. Considering the facts and circumstances of the case and nature of ground case, we find that this explanation of learned Prosecutor is unacceptable.

5. In *Sushanta Kumar Banik's* case [*Sushanta Kumar Banik Vs. State of Tripura & others reported in 2022 LiveLaw (SC) 813 : 2022 SCC OnLine SC 1333*] which arose under 'Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988' [hereinafter 'PIT NDPS Act' for the sake of brevity] in Tirupura, after considering the proposal by the Sponsoring Authority and after noticing the trajectory the matter took, Hon'ble Supreme Court held that the 'live and proximate link between grounds of detention and purpose of detention snapping' point should be examined on a case to case basis. Hon'ble Supreme Court has held in *Banik* case law that this point has two facets. One facet is 'unreasonable delay' and other facet is 'unexplained delay'. We find that the this matter falls under latter facet i.e., unexplained delay. Hence, on this



ground, the detention order is liable to be set aside.

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6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 27.06.2025 in Memo No. 407/BCDEFGISSSV/2025 is hereby set aside. The detenu viz., Sarathkumar, S/o.Murali, aged 35 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)
03-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp



To

1. The Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai-600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Chennai-600 007.
3. The Superintendent of Prisons,
Central Prison, Puzhal,
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