



H.C.P.No.1622 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM:

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

H.C.P.No.1622 of 2025

Bhavani

W/o Prabakaran

..Petitioner

Vs.

1. The State of Tamil Nadu rep. by
its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Nagapattinam District,
Nagapattinam.
3. The Superintendent of Police,
Central Prison,
Cuddalore.
4. The Superintendent of Prison,
Central Prison,
Cuddalore.
5. The Inspector of Police,
Velipalayam Police Station,
Nagapattinam.
(Cr.No.121/2025)

... Respondents

PRAYER: The Habeas Corpus Petition is filed under Article 226 of the



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Constitution of India for the issuance of a Writ of Habeas Corpus, to call for the records of the proceedings of the second respondent in C.O.C.No.18/2025 dated 02.06.2025 and quash the same and produce the detenu, Vinith @ Kavivarnan, S/o Prabhakaran aged about 26 years, now detained in Central Prison, Cuddalore.

For Petitioner : Ms.P.Vimala

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

J.Nisha Banu,J.
and
S.Sounthar,J

The petitioner is the mother of the detenu, viz., Vinith @ Kavivarnan, S/o Prabhakaran, aged 26 years, who is confined at Central Prison, Cuddalore, has come forward with this petition challenging the detention order passed by the second respondent in C.O.C.No.18/2025 dated 02.06.2025, 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] read with the order issued by the Government in G.O.(D).No.120 Home Prohibition and Excise (XVI) Department dated 11.04.2025 under sub section (2) of section 3 of



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the said Act.

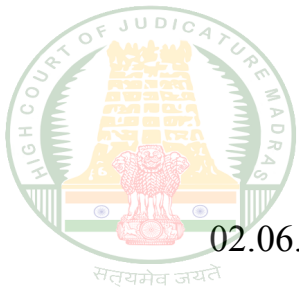
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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds are raised in this petition, the learned counsel for the petitioner focused mainly on the ground that there is delay in passing the detention order. He would further state that though the detenue was arrested on 23.04.2025, the detention order was passed only on 02.06.2025. Hence, there is a delay in passing the order of detention. Therefore, the detention order is liable to be quashed.

4. Learned Additional Public Prosecutor would also fairly submits that there is a delay in passing the detention order.

5. We have gone through the entire materials placed on record. As seen from the grounds of detention, it is clear that though the detenue was arrested on 23.04.2025, the order of detention came to be passed only on



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02.06.2025. There is no satisfactory explanation offered by the Detaining Authority for the delay in passing the order of detention. Hence, the impugned order of detention is liable to be set aside.

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.”



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Therefore, following the aforesaid judgment of the Hon'ble Supreme 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 C.O.C.No.18/2025 dated 02.06.2025 is hereby set aside. The detenu, viz., Vinith @ Kavivarnan, aged 26 years, S/o Prabhakaran, 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.

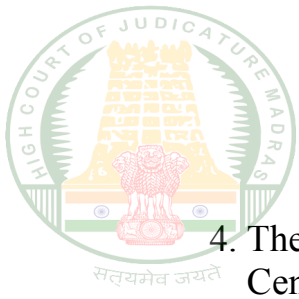
(J.NISHA BANU J.) (S.SOUNTHAR J.)

vsi

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To

1. The Secretary to Government,
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2. The District Collector and District Magistrate,
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3. The Superintendent of Police,
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4. The Superintendent of Prison,
Central Prison,
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5. The Inspector of Police,
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6. The Public Prosecutor,
High Court, Chennai



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