



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. 1771 of 2025

Rajam
W/o.Ramalingam,
No.36B,
Perarasi Street, Kattumannarkoil,
Cuddalore District.

Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep By its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector And District Magistrate,
Cuddalore District, Cuddalore-607 001.
- 3.The Superintendent Of Prison,
Central Prison, Cuddalore,
Cuddalore-607 004.



4.The Superintendent of Police,
Cuddalore District, Cuddalore-607 001.

WEB COPY

5.The Inspector Of Police,
Kattumannarkoil Police Station,
Cuddalore - 608 301.

Respondent(s)

PRAYER

This writ petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 19.07.2025 in C3/D.O./91/2025 against the petitioner's Son Thiru.Senthilkumar, S/o.Ramalingam, aged about 22 years, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detainee before this Honble Court and set him at liberty.

For Petitioner(s): M/s.R.Sivakumar

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 mother of the detenu Senthilkumar, S/o.Ramalingam, male, aged 22 years, has come forward with this petition challenging the detention order passed by the second respondent dated 19.07.2025 bearing reference No. C3/D.O./91/2025 slapped on her son, branding him as "Goonda" 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 son was remanded to judicial custody on 12.06.2025 but the impugned detention order has been passed on 19.07.2025.

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.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 19.07.2025 in Memo No. C3/D.O./91/2025 is hereby set aside. The detenu viz., Senthilkumar, S/o.Ramalingam, aged 22 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

Speaking/Non-speaking order

Neutral Citation: Yes/No

mrp



To

1. The Secretary To Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector And District Magistrate,
Cuddalore District, Cuddalore-607 001.
3. The Superintendent Of Prison,
Central Prison, Cuddalore, Cuddalore-607 004.
4. The Superintendent Of Police,
Cuddalore District, Cuddalore-607 001.
5. The Inspector Of Police,
Kattumannarkoil Police Station,
Cuddalore - 608 301.
6. The Public Prosecutor,
High Court of Madras,
Chennai.



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