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HCP.No.1739 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.1739 of 2025

Ellamalli

... Petitioner/Mother of detainee

Versus

1. The State of Tamil Nadu

Rep. By the Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George
Chennai – 600 009

2. The Commissioner of Police

Greater Chennai Police
Vepery, Chennai – 600 007

3. The Superintendent of Central Prison

Central Prison, Puzhal, Chennai – 600 066

4. The Inspector of Police

K-6, T.P.Chathram Police Station
Chennai

.. Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records in Memo No.521/BBCDEFGISSSV/2025 dated 31.07.2025 passed by the 2nd



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respondent under the Tamil Nadu Act 14 of 1982 and set aside the same as illegal and direct the respondents to produce the petitioner's son Santhoshkumar @ Janda, S/o.Sathyamoorthy aged about 24 years the detenu, as Goonda, now, he is confined in Central Prison, Puzhal, Chennai before this Hon'ble Courtj and set him at liberty.

For Petitioner : Mr.C.Jagan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The petitioner, who is the mother of the detenu Santhoshkumar @ Janda, S/o.Sathyamoorthi, male, aged 24 years, has come forward with this petition challenging the detention order passed by the second respondent dated 31.07.2025 bearing reference in Memo No.521/BBCDEFGISSSV/2025 slapped on his son 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



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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 petitioner was arrested on 24.06.2025 but the impugned detention order has been passed on 31.07.2025.

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



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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.

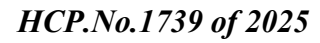
6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the 2nd respondent dated 31.07.2025 in Memo No.521/BBCDEFGISSSV/2025 is hereby set aside. The detenu viz., Santoshkumar, S/o.Sathyamoorthy, male, aged 24 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[N.S.K.,J.] [M.J.R.,J.]
04.11.2025

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