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H.C.P.No.1764 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.1764 of 2025

A.Moses

...Petitioner/Detenue's brother

-VS-

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
2. The District Collector cum District Magistrate,
Cuddalore District, Cuddalore.
3. The Superintendent of Police,
Cuddalore District.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police
Railway Police Station, Cuddalore. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records of the detention made in C3/D.O./90/2025 under section 2(f) of the Tamilnadu Act 14/1982 branding him as a Goonda dated 07.07.2025 passed by the 2nd Respondent and set



H.C.P.No.1764 of 2025

aside the same and direct the Respondents to produce the detenu before this Hon'ble Court now confined in Central Prison Cuddalore and set the detenu Thiru.A.Solomon son of Ambrose aged about 25 years at liberty forthwith.

For Petitioner : Mr.B.Gopalakrishnan
For Respondents : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER

The petitioner herein, who is the brother of the detenue, namely, A.Solomon, S/o.Ambrose aged about 25 years, detained at Central Prison, Cuddalore, has come forward with this petition, challenging the detention order dated 07.07.2025, passed by the second respondent in C3/D.O./90/2025, branding him as a "Goonda", as contemplated under Section 2(f) of 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).

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

3. Though several grounds are raised in the petition, the



H.C.P.No.1764 of 2025

learned counsel for the petitioner submitted that there is a delay of thirty four days' delay in passing the order of detention.

4. In the instant case, the detenu was arrested on 04.06.2025 and thereafter, the detention order came to be passed on 07.07.2024. This fact is not disputed by the learned Additional Public Prosecutor. The Apex Court in the case of '*Sushanta Kumar Banik Vs. State of Tripura*', reported in '*2022 LiveLaw (SC) 813*' in respect of inordinate delay from the date of proposal till passing of the detention order and likewise, between the date of detention order and the actual arrest, had held that the live and proximate link, between the grounds and the purpose of detention, stands snapped in arresting the detenu. The relevant passage 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



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H.C.P.No.1764 of 2025

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.”

5. Drawing inspiration from the judgment in ***Sushanta Kumar***

Banik's case, a co-ordinate Bench of this Court in the case of '***Gomathi Vs.***

Principal Secretary to Government and Others', reported in '***2023 SCC***

OnLine Mad 6332', had held that when there is an inordinate delay from

the date of arrest/date of proposal till the order of detention, the live and

proximate link between them would also stand snapped and thereby, had

quashed the detention order on this ground.

6. In yet another case i.e., in '***Nagaraj Vs. State of Tamil***

Nadu', reported in '***(2018) 3 MWN (Cri) 428'***, this Court had held that the

delay of 36 days in passing the detention order after the arrest of the detenu

would snap the live and proximate link between the grounds and purpose of

detention. Hence, in view of the unexplained delay in passing the order of

detention, after the arrest of the detenue, the detention order in the present

case, is liable to be quashed.

7. In view of the ratio laid down by the Hon'ble Supreme Court



H.C.P.No.1764 of 2025

and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

8. For the aforesaid reasons, the Habeas Corpus Petition is allowed and the Detention Order passed by the Second Respondent in C3/D.O./90/2025 dated 07.07.2025, is hereby set aside. The detenue, viz., A.Solomon, S/o.Ambrose aged about 25 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.

(N.S.K,J.,) (M.J.R,J.,)
30.10.2025

Index: Yes / No
Internet: Yes / No
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N.SATHISH KUMAR, J.
AND

