



WEB COPY

HCP No. 3133 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 01-04-2025**

CORAM

**THE HONOURABLE MR JUSTICE M.S. RAMESH  
AND  
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**HCP No. 3133 of 2024**

VASANTHA

W/o.Ganesaprabhu, No.1115, Mohan  
Comple, Kuravan Kuppam And Post,  
Periyakurichi , Neyveli, Cuddalore  
District

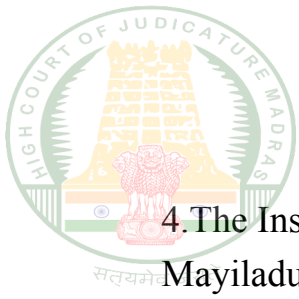
Petitioner(s)

Vs

1. The Secretary To The Government  
Government To Tamilnadu, Home,  
Prohibition And Excise Department,  
Secretariat, Fort St.George,  
Chennai-600 009

2.The District Collector And  
District Magistrate, Mayiladuthurai  
District, Mayiladuthurai

3.The Supreintendent Of Police  
Mayiladuthurai District At  
Mayiladuthurai



4.The Inspector Of Police  
Mayiladuthurai Police Station,  
Mayiladuthurai

5.The Superintendent  
Central Prison, Tiruchirapalli

Respondent(s)

### **PRAYER**

To issue a writ , order or direction and in more particularly the writ in the nature of a Writ of Habeas Corpus calling for the entire records connected with the order of the 2nd respondent herein in C.O.C.No.38/2024 dated 14.10.2024 passed against the Petitioner's son /Detenu namely Senathipathi son of Ganesaprabhu, aged about 27 years , as a Sexual Offender who is confined at Central Prison, Tiruchirapalli and set aside the same and consequently, directing the respondent herein to produce the Detenu, before this Hon'ble Court and set him at liberty forthwith

For Petitioner(s): M/s.T.R.Ravi

For Respondent(s): Mr.R.Muniyapparaj  
Additional Public Prosecutor  
Assisted by Mr.M.Sylvester John

### **ORDER**

**M.S.RAMESH, J.**

**AND**

**N.SENTHILKUMAR, J.**

The petitioner, who is the mother of the detenu viz., Senathipathi S/o.Ganesaprabhu, aged about 27 years, confined at Central Prison, Thiruchirappalli has come forward with this petition challenging the detention



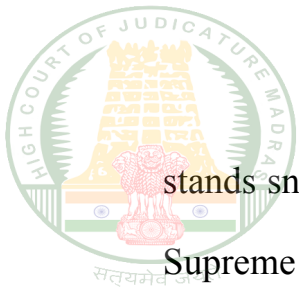
order passed by the second respondent dated 14.10.2024 slapped on her son, branding him as "Sexual Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel for the petitioner submitted that there is an inordinate delay in passing the order of detention.

4. In the instant case, the detenue was arrested on 04.09.2024 and thereafter, the detention order came to be passed on 14.10.2024. This fact is not disputed by the learned Additional Public Prosecutor.

5. In the case of '*Sushanta Kumar Banik Vs. State of Tripura*', reported in '*2022 LiveLaw (SC) 813*', when there was an 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, the Hon'ble Supreme Court had held that the live and proximate link, between the grounds and the purpose of detention,



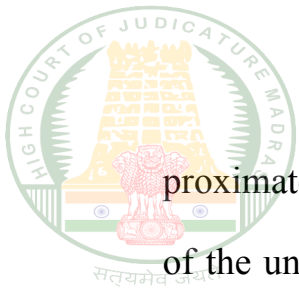
stands snapped in arresting the detenu. The relevant observation of the Hon'ble Supreme Court is extracted hereunder:-

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*“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.”*

6. 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.

7. 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 and inordinate delay in passing the order of detention, after the arrest of the detenu, the detention order in the present case, is liable to be quashed.

8. Accordingly, the detention order passed by the second respondent on 14.10.2024 in C.O.C.No.38/2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Senathipathi, S/o.Ganesaprabhu, aged about 27 years, confined at Central Prison, Thiruchirappalli, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

**(M.S.RAMESH J.) (N.SENTHILKUMAR J.)**  
**01-04-2025**

ASI

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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High Court of Madras, Chennai.



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