



H.C.P(MD)No.773 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2025

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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Faritha Begam

... Petitioner/Mother of detenu

Vs.

1.The State of Tamil Nadu,
Rep. by The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 9.

2.The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Habeas Corpus, calling for the records pertaining to the



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impugned detention order passed by the second respondent made in his proceedings in P.D.No.12/2025 dated 21.03.2025 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely, Bakrudeen, S/o.Shahul Hameed, male, aged about 18 years, who is detained at Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**)

The petitioner is the mother of the detenu viz.,Bakrudeen, S/o.Shahul Hameed, aged about 18 years. The detenue was detained by the second respondent by order in C.No.47/Detention/C.P.O/T.C/2025, dated 23.04.2025, holding him to be a “Goonda”, as contemplated under



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Section 2(f) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

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.The learned counsel appearing for the petitioner has raised a sole ground, namely, that there was a huge delay in passing the detention order from the date of his arrest. The detenu was arrested in three adverse cases and one ground case on the same day i.e., 28.01.2025. Thereafter, after a period of 54 days the detenu was detained by the Detaining Authority, vide detention order dated 21.03.2025.

4.On perusal of the records, it is seen that the detenu was arrested on 28.01.2025 and the detention order was passed on 21.03.2025. This shows an inordinate delay in passing the detention



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order, which is also unexplained. The live and proximate link between the arrest of the detenu and the need for passing the order of detention has snapped. Thus, on this sole ground alone, the impugned order of detention is liable to be set aside.

5. In the case of *Sushanta Kumar Banik vs. State of Tripura*, reported in *2022 SCC Online (SC) 1333*, when there was an inordinate delay from the date of proposal till passing of the detention order and likewise, between the date of actual arrest and the date of detention order, the Honourable Supreme Court has held that the live and proximate link, between the grounds and the purpose of detention, stands snapped throwing a considerable doubt on the genuineness of the requisite satisfaction of the detaining authority in passing the detention order unless such delay is satisfactorily explained and consequently making it invalid. The relevant portion 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 &



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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. In view of the above, as pointed out by the learned counsel for the petitioner, the delay has not been satisfactorily explained, thereby vitiating and invalidating the detention order.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.12/2025 dated 21.03.2025, passed by the second respondent is set aside. The detenu namely, Bakrudeen,



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S/o.Shahul Hameed, male, aged about 18 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

**[G.K.I.J.,] & [R.P.J.,]
05.12.2025**

NCC :Yes/No
Index :Yes/No
Internet :Yes
rm

To

1.The Additional Chief Secretary to the Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 9.

2.The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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