



H.C.P(MD)No.1452 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD) No.1452 of 2024

Maragatham

... Petitioner / Wife of Detenue

Vs.

State of Tamil Nadu Rep. By

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai.

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

3.The Superintendent,
Central Prison,
Madurai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the records relating to the detention order passed by the second respondent in Detention Order No.65 dated 25.06.2024 and quash the same and direct



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the respondents to produce Kumaravadivel, S/o.Muthusamy Male, aged 36 years who is detained at Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.R.Balamuruganantham

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor
for R1 & R2

ORDER

Heard both sides.

2. The petitioner's husband was detained as Goonda vide order dated 25.06.2024 by the second respondent. The detenue was arrested in the ground case on 13.05.2024. The detention order was passed only on 25.06.2024. There is a gap of more than 40 days between the date of arrest and the date of the detention order.

3. The Hon'ble Supreme Court in ***Sushanta Kumar Banik Vs. State of Tripura reported in (2022 Livelaw (SC) 813)*** held as follows:-

“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



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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.”

4. In this case, there is an inordinate delay from the date of arrest till the date of detention. The “live and proximate link” between the two got snapped. The detention order is quashed on this ground. The detenue shall be set at liberty forthwith unless his detention is otherwise warranted by law.

5. The Habeas Corpus Petition is allowed.

(G.R.S., J.) (R.P., J.)
06.01.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

NOTE: Issue Order Copy on 07.01.2025



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AND
R.POORNIMA, J.

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To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai.
- 2.The District Magistrate and District Collector,
Dindigul,
Dindigul District.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P.(MD) No.1452 of 2024

06.01.2025