



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

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CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 51 and 53 of 2026

Poongavanam
Wife of Sakthivel,
No.14, Kuppusamy Street, Ayanavaram,
Chennai - 600 023.

..Petitioner in HCP.No.51
of 2026

Bhuvaneshwari
W/o. Raja,
No.5/3, Veerasamy 2nd Street,
Ayanavaram, Chennai - 600 023.

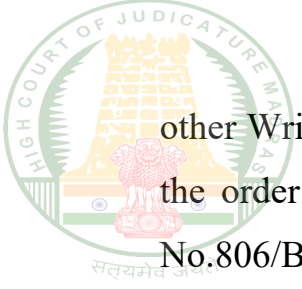
..Petitioner in HCP.No.53
of 2026

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai -9.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Police,
Central Prison, Puzhal, Chennai.
4. The Inspector of Police
K-2, Ayanavaram Police Station,
Chennai.

..Respondent(s) in both
HCP's

Prayer in HCP No. 51 of 2026: Habeas corpus petition filed under Article 226
of Constitution of India for issuance of a WRIT OF HABEAS CORPUS or any



other Writ or Order in the nature of Writ call for the records in Connection with the order of Detention passed by the second respondent dated 17.10.2025 in No.806/BBCDEFGISSSV/2025 against petitioner Son Thiru.Silambarasan, Male aged about 22 years son of Sakthivel who is confined at Central Prison Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at liberty and pass such further or other as this Hon'ble Court.

Prayer in HCP No. 53 of 2026: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 17.10.2025 in No.805/BBCDEFGISSSV/2025 against petitioner son Thiru.Suriya @ Muttai Suriya, male aged about 21 years son of Raja, who is confined at Central Prison Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at Liberty.

In both HCP's

For Petitioner(s): Ms.M.Preethi

For Respondent(s): Mr. C.R.Malarvannan
Counsel For Government Of Tamil Nadu
(criminal Side)

Common Order

(Order of the Court was made by Dr.Anita Sumanth J.)

We have heard Ms.M.Preethi, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents in both HCP's.



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2. In HCP.No.51 of 2026, the mother of one Silambarasan (detenu) S/o Sakthivel, who was detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 17.10.2025.

3. In HCP.No.53 of 2026, the mother of one Suriya @ Muttai Suriya (detenu) S/o Raja, who was detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 17.10.2025.

4. It is seen from the impugned orders and the grounds of detention that the detenus were arrested on 17.09.2025 and they were detained on 17.10.2025. We do not find any satisfactory explanation for the delay in passing the order of detention either in the grounds of detention or in the counter affidavit filed by the 2nd respondent. Hence, we are of the view that the live and proximate link between grounds of detention and the purpose of detention stands snapped.

5. In *Sushanta Kumar Banik Vs. State of Tripura* (2022 LiveLaw (SC) 813), a similar issue arose, and the relevant discussion reads as follows:

“21. 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



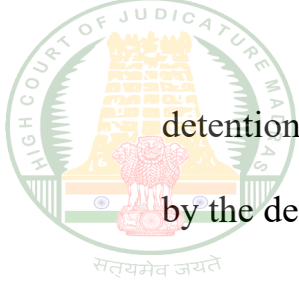
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genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the 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* (2023 SCC OnLine Mad 6332), had held that when there is an inordinate delay between the date of arrest/date of proposal and 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*, ((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. In the present case, the delay is more than a month, and unexplained and for this reason, vitiates the order, rendering it liable to be quashed.

8. In light of the aforesaid discussion, we are of the considered view that there is neither a proximate link between the arrest (17.09.2025) and order of



detention (17.10.2025), and nor is there any credible material brought on record by the detaining authority to substantiate his subjective satisfaction.

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9. Hence, these Habeas Corpus Petition are allowed and the Detention Orders passed by the second respondent in No.806/BBCDEFGISSSV/2025 and No.805/BBCDEFGISSSV/2025, both dated 17.10.2025, are set aside.

10. The detenus, viz., Silambarasan, S/o.Sakthivel, male aged 22 years, and Suriya @ Muttai Suriya, S/o.Raja, male aged 21 years, both now confined in Central Prison, Puzhal, Chennai, are directed to be set at liberty forthwith unless their presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)

30-06-2026

ssm

Index: Yes/No

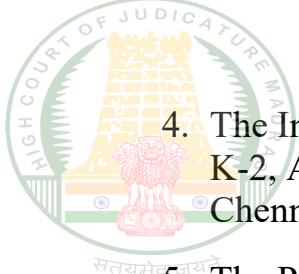
Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today

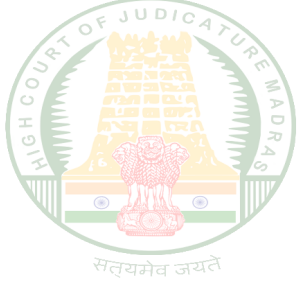
To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai -9.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Police,
Central Prison, Puzhal, Chennai.



4. The Inspector of Police
K-2, Ayanavaram Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George, Chennai – 9.

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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SSM

HCP Nos. 51 and 53 of 2026

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