



HCP No. 68 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 68 of 2026

Umadevi

..Petitioner

Vs

1. The Additional Chief Secretary
to The Government,
Home Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
2. The Commissioner Of Police,
Greater Chennai, Vepery,
Chennai-600 066.
3. The Superintendent
Central Prison,
Puzhal, Chennai-600 066.
4. The State rep by The Inspector of Police
D-1, Triplicane Police Station,
Chennai.
Crime No.472/2025.

..Respondents

Prayer: Habeas Corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other appropriate Writ, order or direction, in the nature of a Writ of Habeas Corpus to call



HCP No. 68 of 2026

for the records relating to the detention order passed by the 2nd respondent pertaining to the order made in No.577/BBCDEFGISSSV/2025 dated on 21.08.2025 in detain the detenue under 2 (f) of Tamil Nadu Act of 1982 as a Drug Offender and quash the same and direct the respondent to produce the detenue Dhanush, son of Soundar, male Hindu, aged about 21 years, who is detained at Central Prison, Puzhal at Chennai before this Court and set him at liberty.

For Petitioner: Mr.M.Sarath Kumar
for Mr.Mohammed Aasif

For Respondents: Mr. R. Muniyapparaj
Additional Public Prosecutor
assisted By
Mr. M. Sylvester John

ORDER

(Order of the Court was made by Sunder Mohan J.)

The mother of the detenu-Dhanush, branded as 'Drug Offender' under Section 2(e) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 21.08.2025.

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



WEB COPY

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 14.07.2025 and he was detained on 21.08.2025. Neither in the grounds of detention nor in the counter affidavit filed by the 2nd respondent, any satisfactory explanation has been given for the delay in passing the order of detention. We are of the view that in view of the delay, the live and proximate link between grounds of detention and the purpose of detention, stood snapped. In this regard, we may rely upon the judgment of the Hon'ble Supreme Court in '**Sushanta Kumar Banik Vs. State of Tripura**', reported in '**2022 LiveLaw (SC) 813**' and the relevant paragraph 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 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



WEB COPY

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. 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.

5. 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.



HCP No. 68 of 2026

WEB COPY

6. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order No..**577/BBCDEFGISSSV/2025** dated **21.08.2025** is set aside.

7. The detenu, viz., **Dhanush, S/o. Sounthar**, aged **21** years, now confined in **Central Prison, Puzhal, Chennai**, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note to office:
Issue order copy today.

ars



HCP No. 68 of 2026

WEB COPY

To

1. The Additional Chief Secretary To The Government,
Home Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

2. The Commissioner Of Police,
Greater Chennai, Vepery,
Chennai-600066.

3. The Superintendent
Central Prison,
Puzhal, Chennai-600 066.

4. The Inspector of Police
D-1, Triplicane Police Station,
Chennai. Crime No.472/2025.

5. The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No. 68 of 2026

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

ars

HCP No. 68 of 2026

24-03-2026

Page 7 of 7