



HCP No.102 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

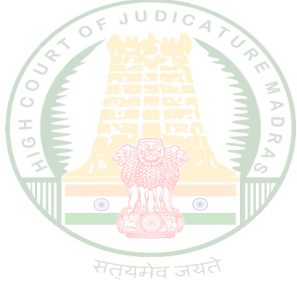
HCP No.102 of 2026

Shabeer Ali,
S/o.Akbar Sk,
26 Casa Grand,
LNT Labour Colony,
Manppakkamm,
Chennai.

...Petitioner/Brother of
the detenu

Vs

1. The State of Tamil Nadu,
Rep by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
Office of the Commissioner of Police,
Vepery Chennai - 600 007.
3. The Superintendent
Central Prison,
Puzhal, Chenani - 66.
4. The Inspector of Police
S4-Nandambakkam Police Station,
Chennai.



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...Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order dated 17.10.2025 made in detention order in BBCDEFGISSSV No.816/2025 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body of the detenu Thiru.Kabirul SK S/o.Akbar Sk, aged 27/2025, who has been detained in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.S.Palanivel

For Respondents : Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

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

The brother of the detenu – Kabirul SK S/o.Akbar Sk, aged 26 years, has filed this petition challenging the detention order dated 17.10.2025, branding him as a ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).



2. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondents.

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 17.09.2025 and he was detained on 17.10.2025. The respondents have not satisfactorily explained the delay in passing the order of detention either in the grounds of detention or in the counter affidavit. 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, is 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 SCC OnLine SC 1333**' 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



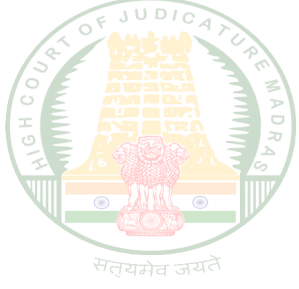
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the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case.”

4. 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 the grounds and purpose of detention would stand snapped.

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.



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6. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in BBCDEFGISSSV No.816/2025, dated 17.10.2025 is set aside.

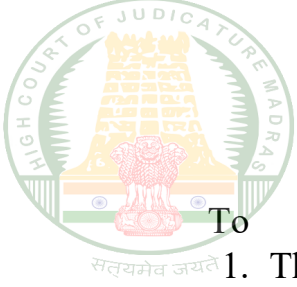
7. The detenu, viz., Kabirul SK S/o. Akbar Sk, aged 26 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
30-06-2026

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

Note: Issue Order copy today.

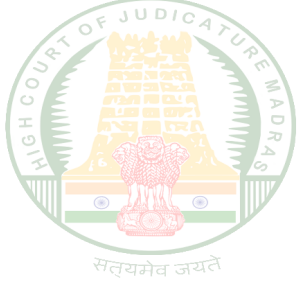
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To

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1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
Office of the Commissioner of Police,
Vepery Chennai - 600 007.
3. The Superintendent
Central Prison,
Puzhal, Chennai - 66.
4. The Inspector of Police
S4-Nandambakkam Police Station,
Chennai.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court of Madras.



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

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