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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 569 of 2026

Vijayalakshmi

...Petitioner/Mother of
detenu

Vs

1. The Additional Chief Secretary to the Government,
Home, Prohibition & Excise (XVI) Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Police,
Chennai City.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police
D-1, Triplicane Police Station (Crime),
Chennai.

..Respondents/
Respondents

Prayer: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed BBCDEFGISSSV No.710 of 2025 dated 18.09.2025 on the file of the 1st respondent and to quash the same and direct the respondents to produce the body and person of the petitioner's



son named Thiru.Manikandan @ James, S/o Sekar, Male aged 24 years, now confined at Central prison, Puzhal, Chennai before this Court and to set him at liberty.

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For Petitioner(s): Mr.S.Kartik

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

ORDER

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

The mother of detenu – Manikandan @ James S/o. Sekar aged 24 years, has filed this petition challenging the detention order dated 18.09.2025, branding him as ‘Goonda’ under Section 2(f) 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 (Crl.Side) for the respondents.

3. It is seen from the grounds of detention that the detenu was arrested on 12.08.2025 and he was detained on 18.09.2025. 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 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 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.

6. That apart, we find that the subjective satisfaction of the detaining authority that the detenu is likely to file a bail application is based on an unsigned statement of the relative. We have repeatedly held that an unsigned statement rendered under Section 180(3) of BNSS cannot be basis to arrive at a satisfaction that the detenu is likely to file the bail application. Therefore, the subjective satisfaction that the detenu is likely to be released on bail is vitiated.

7. For both the reasons, the detention order in the present case, is liable to be quashed. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order No.710/BBCDEFGISSSV/ 2025 dated 18.09.2025 is set aside.

8. The detenu, viz., Manikandan @ James S/o. Sekar aged 24 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.)
01-06-2026



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

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Note: Issue Today

To

1. The Additional Chief Secretary to the Government,
Home, Prohibition & Excise (XVI) Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Police,
Chennai City.
3. The Superintendent of Prison,
Central Prison, Puzhal
Chennai.
4. The Inspector of Police
D-1, Triplicane Police Station (Crime),
Chennai.
5. The Public Prosecutor,
Madras High Court.
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.**

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HCP No. 569 of 2026

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