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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1062 of 2026

Kumar
S/o. Somu,
No.97, Colony Street,
Adiyamangalam Village,
Mayiladuthurai taluk,
Mayiladuthurai District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu Rep by its
Secretary to the Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu, Secretariat,
Fort. St. George, Chennai-600 009.
2. The District Collector and District Magistrate,
Office of the District Collector,
Mayiladuthurai District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.
4. The Superintendent of the Prison,
Central Prison-Cuddalore, Cuddalore District.
5. The Deputy Superintendent of Police,
Mayiladuthurai Sub Division, Mayiladuthurai
District.

..Respondent(s)



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 to produce the body of the detenu namely Mr. Gudan aged about 24 years son of kumar before this Honorable Court and set him at liberty forthwith, by calling for the records relating to the detention order in C.O.C. No.42/2025 dated 16-10-2025 passed by the 2nd respondent, quash the same, and direct the respondents to produce the detenu before this Honorable Court and set him at liberty.

For Petitioner(s): Mr.M.Gurumoorthy

For Respondent(s): Mr.C.R.Malarvannan

Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

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

Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side) accepts notice for the respondents and is armed with necessary instructions to enable a final disposal of the matter, even at this juncture. Hence, by consent of both sides, this Habeas Corpus Petition is disposed finally, even at the stage of admission. Seeing as the date of detention is 16.10.2025, we appreciate the fair approach of the respondents in this matter.



2. The father of one Gugan (detenu) S/o Kumar, 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 16.10.2025.

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 16.09.2025 and he was detained on 16.10.2025. 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.

4. 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 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.”

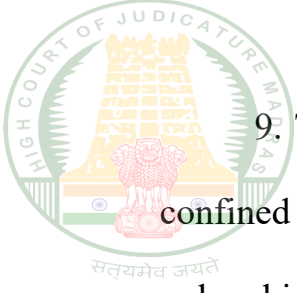


5. Drawing inspiration from the judgment in *Sushanta Kumar Banik's case*, a co-ordinate Bench of this Court in the case of *Gomathi Vs. Principal Secretary to Government and Others* (2023 SCC OnLine Mad 6332), had held that when there is an inordinate delay between the date of arrest/date of proposal 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.

6. 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.

7. In light of the aforesaid discussion, we are of the considered view that there is neither a proximate link between the arrest (16.09.2025) and order of detention (16.10.2025), and nor is there any credible material brought on record by the detaining authority to substantiate his subjective satisfaction.

8. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.O.C.No.42/2025 dated 16.10.2025 is set aside.



9. The detenu, viz., Gungan, S/o.Kumar, male aged 24 years, who is now confined in Central Prison, Cuddalore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

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

15-06-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue Today.

To

1. The Secretary to the Governemnt,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat, Fort. St. George,
Chennai-600 009.
2. The District Collector and District Magistrate,
Office of the District Collector,
Mayiladuthurai District.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.
4. The Superintendent of the Prison,
Central Prison-Cuddalore,
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5. The Deputy Superintendent of Police,
Mayiladuthurai Sub Division, Mayiladuthurai District.

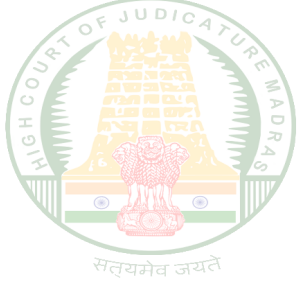


6. The Public Prosecutor,
High Court, Madras.

7. The Joint Secretary to Government

Public (Law and Order),
Secretariat, Fort St.George, Chennai – 9.

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AND

SUNDER MOHAN J.

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