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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1028 of 2026

Janani
W/o. Dileepan,
No.10/13, Patasalai Street,
Avadi, Chennai District.

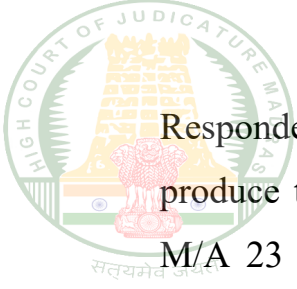
..Petitioner(s)

Vs

1. The State Rep by its,
Government of Tamilnadu, rep.by its
The Additional Chief Secretary,
Home, Prohibition and
Excise Department,
Secretariat, Chennai.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
PEW-Anna Nagar Police Station,
Chennai 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 in the nature of writ calling for the records in Detention Order passed in No.703/BBCDEFGISSSV/2025 dated 18.09.2025 on the file of the 2nd



Respondent herein and quash the same and direct the respondents herein to produce the person or body of my husband Thiru. DILEEPAN S/o. SURESH M/A 23 Years, now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.M. Murali Ragul

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 18.09.2026, we appreciate the fair approach of the respondents in this matter.

2. The wife of one Dileepan (detenu) S/o Suresh, who was detained as a Drug Offender under Section 2(e) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 18.09.2025.

3. Learned counsel for the petitioner has raised three grounds as against the impugned order of detention. Firstly, he points out that the intervening



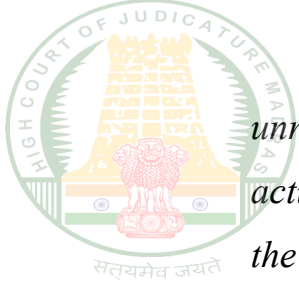
delay between the date of arrest, being 18.08.2025 and the date of detention being, 18.09.2025 has not been properly explained. Secondly, the documents, particularly page 19 of the second volume of the booklet furnished to the detenu has not been properly acknowledged. Thirdly, he draws attention to the fact that the subjective satisfaction of the detaining authority in concluding that the detenu may be enlarged on bail is incorrect as no statement has been recorded from the relatives of the detenu and there is no material that has been placed on record in support of his satisfaction.

4. Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents defends the impugned order.

5. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 18.08.2025 and he was detained on 18.09.2025. 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.

6. 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

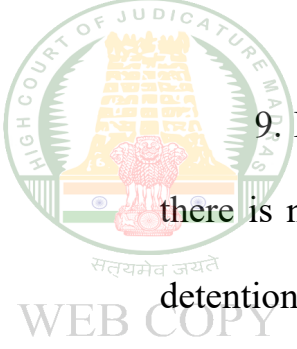


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unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable 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.”

7. 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.

8. 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.



9. In light of the aforesaid discussion, we are of the considered view that there is neither a proximate link between the arrest (18.08.2025) and order of detention (18.09.2025), and nor is there any credible material brought on record by the detaining authority to substantiate his subjective satisfaction.

10. That apart, as rightly pointed out by the learned counsel for the petitioner, we find that there is no acknowledgement of receipt in respect of page 19 of the second volume of the booklet furnished to the detenu as well.

11. In addition, the subjective satisfaction of the detaining authority is really no subjective satisfaction at all for two reasons. Firstly, admittedly no bail application has been filed on behalf of the detenu. Despite this, the authority goes on to state that he believes that the detenu would be enlarged on bail for which there is no basis at all. There is no statement that has been recorded from the relatives of the detenu and hence the same is mere ipse dixit. The subjective satisfaction of the detaining authority is hence vitiated on this aspect and non-application of mind is writ large in the matter.

12. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.703/BBCDEFGISSSV/2025 dated 18.09.2025 is set aside.



13. The detenu, viz., Dileepan, S/o.Suresh, male aged 23 years, who is 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.

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

10-06-2026

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Index: Yes/No

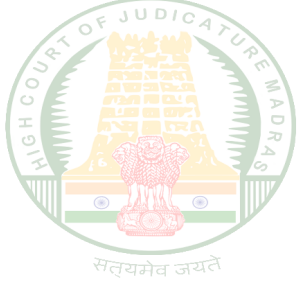
Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

To

1. The Additional Chief Secretary,
Home, Prohibition and
Excise Department,
Secretariat, Chennai.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
PEW-Anna Nagar Police Station,
Chennai District.
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.

SL

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