Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

HCP.No.1144 of 2026

CNR: {HCMA011340572026}

Baskar

..Petitioner(s)

Vs.

1. Government of Tamil Nadu,
   Rep. by its Additional Chief Secretary,
   Home, Prohibition & 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,
   New Washermenpet Police Station,
   Chennai District.
   Crime No.164 of 2026

..Respondent(s)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, calling for the records in Detention Order passed in No.235/BBCDEFGISSSV/2026 dated 13.05.2026 on the file of the 2nd respondent herein, quash the same and consequently, direct the respondents herein to produce the petitioner's son, namely, Thiru.Murali @ Bomb Murali, S/o. Baskar, aged 23 years, now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner(s) : Mr.D.Padmanabhan

For Respondent(s) : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(Made by A.D.JAGADISH CHANDIRA, J.)

The petitioner is the father of the detenu viz., Murali @ Bomb Murali, son of Baskar, aged about 23 years. The detenu has been detained by the second respondent by his order bearing No.235/BBCDEFGISSSV/2026, dated 13.05.2026, holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (TN Act 14, 1982). The said order is under challenge in this habeas corpus petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised in the habeas corpus petition, the learned counsel appearing for the petitioner would mainly focus his arguments on the ground that there is an inordinate delay between the arrest of the detenu and passing the impugned detention order. In this case, the detenu was arrested on 11.04.2026, and the impugned detention order came to be

https://www.mhc.tn.gov.in/judis

WEB COPY

passed only on 13.05.2026, i.e., after a lapse of one month. This inordinate delay in passing the detention order would vitiate the same. He further submitted that there is no live and proximate link between the date of arrest and the date of the detention order. Hence, on this ground, the present impugned detention order is liable to be set aside.

4. Learned Additional Public Prosecutor appearing for the respondents strongly opposed the habeas corpus petition by filing his counter. He further submitted that though there was a delay in passing the impugned detention order, on that score alone, it cannot be quashed. According to the learned Additional Public Prosecutor, no prejudice has been caused to the detenu and therefore, the habeas corpus petition is liable to be dismissed.

5. The detenu was arrested in the ground case as early as on 11.04.2026 and the detention order was passed on 13.05.2026. This shows an inordinate delay in passing the detention order, which is also unexplained. The live and proximate link between the arrest of the detenu and the need for passing the order of detention has snapped. Thus, on this sole ground alone, the impugned order of detention is liable to be set aside.

6. In the case of *Sushanta Kumar Banik vs. State of Tripura,* reported in (*2022) SCC Online (SC) 1333*, when there was an inordinate delay from the

https://www.mhc.tn.gov.in/judis

WEB COPY

date of proposal till passing of the detention order and likewise, between the date of actual arrest and the date of detention order, the Hon'ble Supreme Court held that the live and proximate link, between the grounds and the purpose of detention, stands snapped throwing a considerable doubt on the genuineness of the requisite satisfaction of the detaining authority in passing the detention order unless such delay is satisfactorily explained and consequently making it invalid. The relevant portion is extracted hereunder:-

> *"20. 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."*

7. In view of the above, as pointed out by the learned counsel for the petitioner, the delay has not been attempted to be explained, thereby vitiating and invalidating the detention order.

https://www.mhc.tn.gov.in/judis

WEB COPY

8. In the result, the Habeas Corpus Petition stands **allowed** and the order of detention bearing No.235/BBCDEFGISSSV/2026, dated 13.05.2026, passed by the second respondent, is hereby set aside. The detenu, viz., Murali @ Bomb Murali, son of Baskar, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(A.D.J.C., J.) (B.K., J.)
30.10.2026

skt

Neutral Citation: Yes/No

To:

1. The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition & 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,
New Washermenpet Police Station,
Chennai District.

5. The Public Prosecutor,
Madras High Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

skt

HCP.No.1144 of 2026

30.10.2026

https://www.mhc.tn.gov.in/judis