Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2026

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

Case QR

HCP.No.1241 of 2026

CNR: {HCMA011416802026}

Ashok Kumar

..Petitioner(s)

Vs.

1. The Additional Chief Secretary to Government,
   Home, Prohibition & Excise Department,
   Fort St. George, Chennai – 600 009.

2. The District Magistrate and District Collector,
   Office of the District Magistrate and District Collector,
   Tiruvallur District, Tiruvallur.

3. The Superintendent of Police,
   District Police Office,
   Master Plan Complex/Jaya Nagar,
   Tiruvallur – 602 001.

4. The Superintendent of Prison,
   Central Prison – II,
   Puzhal, Chennai – 600 066.

5. The Inspector of Police,
   Pathirvedu Police Station,
   Tiruvallur District.

..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 relating to the detention order in Memo No.19/2026 dated 19.05.2026 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982, set aside the same and to

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consequently, direct the respondents to produce the body and person of detenu, namely, Ashok Kumar, S/o. Amba Ram, male, aged 27 years, now confined in the Central Prison – II, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner(s) : Mr.K.Anandha Raja

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

ORDER

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

The petitioner/detenu, viz., Ashok Kumar, son of Amba Ram, aged about 27 years has been detained by the second respondent by his order in No.19/2026, dated 19.05.2026, holding him to be a "Goonda" as contemplated under Section 2(f) of the Tamil Nadu Preventive Detention Act,1982 (Tamil Nadu Act 14 of 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

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the detenu and passing the impugned detention order. In this case, the detenu was arrested on 12.04.2026, and the impugned detention order came to be passed only on 19.05.2026, 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 12.04.2026 and the detention order was passed on 19.05.2026. 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.

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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 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."*

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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.

8. In the result, this Habeas Corpus Petition stands **allowed** and the order of detention in No.19/2026, dated 19.05.2026, passed by the second respondent, is set aside. The detenu, viz., Ashok Kumar, son of Amba Ram, aged about 27 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.)
04.11.2026

skt

Neutral Citation: Yes/No

To:

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai – 600 009.

2. The District Magistrate and District Collector,
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A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

skt

4. The Superintendent of Prison,
Central Prison – II,
Puzhal, Chennai – 600 066.

5. The Inspector of Police,
Pathirvedu Police Station,
Tiruvallur District.

6. The Public Prosecutor,
Madras High Court.

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