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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

Case QR

CORAM

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

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

H.C.P.No.1694 of 2026

CNR: {HCMA012098612026}

Alamelu ..Petitioner(s)

Vs

1. The State of Tamil Nadu rep. by its
   Additional Chief Secretary to the Government,
   Home Prohibition and Excise Department,
   Fort St. George,
   Chennai – 600009.

2. The District Collector and District Magistrate,
   Coimbatore District.

3. The Commissioner of Police/ Detaining Authority,
   Coimbatore District.

4. The Superintendent of Prison,
   Central Prison,
   Coimbatore,
   Coimbatore District.

5. The Inspector of Police,
   PEW Periyanaicken palayam Police Station,
   Coimbatore District.

..Respondent(s)

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 23.07.2026 made in Cr.M.P.No.25/D.O./2026 against the petitioner's son Kannan, son of

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Marimuthu, aged about 27 years, who is confined at the Central Prison, Coimbatore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner(s): Ms.S.V. Manisha
for Mr. S.Azhaguvel

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

ORDER

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

The petitioner, who is the mother of the detenu Kannan, male, aged 27 years, son of Marimuthu, has come forward with this petition challenging the detention order passed by the second respondent in Cr.M.P.No.25/D.O./2026, dated 23.07.2026 branding him as a "Drug Offender" under Section 2(e) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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.

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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 20.06.2026, and the impugned detention order came to be passed only on 23.07.2026, 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 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 20.06.2026 and the detention order was passed on 23.07.2026. This shows an inordinate delay in passing the detention order, which is also unexplained. The

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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 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*

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Order QR

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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.

8. In the result, this Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.25/D.O./2026, dated 23.07.2026, passed by the second respondent, is set aside. The detenu, viz., Kannan, son of Marimuthu, 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.)
17-11-2026

Neutral Citation: Yes/No

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To

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2. The District Collector and District Magistrate,
   Coimbatore District.

3. The Commissioner of Police/ Detaining Authority,
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   Central Prison,
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   Coimbatore District.

6. The Public Prosecutor,
   High Court of Madras.

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

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