



WEB COPY

HCP No. 1832 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1832 of 2025

Alamelu
W/o.Jayaraghavan,
Old Colony, Ambalaur Village and Post,
Vaniyambadi Taluk, Thirupathur District.

..Petitioner(s)

Vs

1. The Secretary To The Government,
Home Prohibition And Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector And District Magistrate Of
Thirupathur District, Thirupathur.
3. The Superintendent Of Police,
Thirupathur District, Thirupathur.
4. The Superintendent Of Prison,
Central Prison, Vellore.
5. The Inspector Of Police,
Ambalur Police Station,
Thirupathur District.

..Respondent(s)

PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus or any other Writ or Order in the nature of Writ call for the records in connection with the order of Detention passed by the second respondent dated 23.08.2025 in C3/D.O.No.29/2025



against the petitioner Husband Jayaraghavan, Male aged 47 years, S/o.Jayapal, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenue before the Honble Court and set him at liberty.

For Petitioner(s): Mr.P.Raman

For Respondent(s): Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.Sylvester John Advocate

ORDER

(Order of the Court was made by Sunder Mohan J.)

The wife of the detenu-Jayaraghavan, branded as 'Goonda' under Section 2(f) of the Tamil Nadu Act 14 of 1982, has filed this petition challenging the detention order dated 23.08.2025.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 21.07.2025 and he was detained on 23.08.2025. Neither in the grounds of detention nor in the counter affidavit filed by the 2nd respondent, any satisfactory explanation has been given for the delay in passing the order of detention. We are of the view that in view of the delay, the live and proximate link between grounds of detention and the purpose of detention, stood snapped. In this regard, we may rely upon the judgment of the Hon'ble



Supreme Court in '**Sushanta Kumar Banik Vs. State of Tripura**', reported in '**2022 LiveLaw (SC) 813**' and the relevant paragraph reads as follows:

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“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.”

4. We also find that in respect of another detenu, who is the co-accused in the ground case, the detention order has been quashed vide order dated 05.12.2025 passed in HCP No.1743 of 2025.

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**', reported in '**2023 SCC OnLine Mad 6332**', had held that when there is an inordinate delay from the date of arrest/date of proposal till 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.

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6. In yet another case i.e., in '*Nagaraj Vs. State of Tamil Nadu*', reported in '**(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. Hence, in view of the unexplained and inordinate delay in passing the order of detention, after the arrest of the detenu, the detention order in the present case, is liable to be quashed. Further, the detention order in respect of another detenu, who is the co-accused in the ground case was quashed.

7. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order No..**C3/D.O.No.29/2025** dated **23.08.2025** is set aside.

8. The detenu, viz., **Jayaraghavan, S/o. Jayapal**, aged **47** years, now confined in **Central Prison, Vellore**, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
08-04-2026

SL

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Registry is directed to issue a copy of this order today.



To

1. The Secretary To The Government,
Home Prohibition And Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector And District Magistrate Of
Thirupathur District, Thirupathur.
3. The Superintendent Of Police,
Thirupathur District, Thirupathur.
4. The Superintendent Of Prison,
Central Prison, Vellore.
5. The Inspector Of Police,
Ambalur Police Station,
Thirupathur District.
6. The Joint Secretary to Government
Public (Law and Order), Fort St.George,
Chennai – 9.
7. The Public Prosecutor, High Court, Madras.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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