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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1899 of 2025

Annal

W/o. Sivasankar @ Sankar,
No.26, Gengai Street,
Vasanth Nagar, Muthialpet,
Puducherry.

..Petitioner(s)

Vs

1. Union of India
Represented by its Secretary,
Home Department,
New Delhi.
2. The Chief Secretary to Govt. Of Puducherry
Union of Puducherry
Chief Secretariat,
Puducherry.
3. The District Magistrate Cum
Authorized officer,
Puducherry.
4. The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.
5. The Superintendent of Police (East)
Puducherry.
Crime No. 55/2025

..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, or order, or direction, in the nature of the writ calling for the records of the detention order dated 13.08.2025 in detention order No.04/DM/RO/D2/PPASAA/2025, on the file of the third Respondent herein, and quash the same and direct the Respondents herein to produce the detenu Sivasankar @ Sankar S/o.Saravanan, Hindu aged about 32 years who is now confined in Central Prison Kalapet, Puducherry before the Honourable Court and set him at liberty.

For Petitioner(s): Ms.N.Gayathri
for Mr.R.Thamarai Selvan

For Respondent(s): Mr.M.V.Ramachandra Murthy
Public Prosecutor Puducherry

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

We have heard Ms.N.Gayathri, learned counsel for the petitioner and Mr.M.V.Ramachandra Murthy, learned Public Prosecutor, learned counsel for the respondents.

2. The wife of one Sivasankar @ Sankar (detenu) S/o Saravanan, who was detained as a dangerous person under Section 3(2) of the Puducherry Prevention of Anti-Social Activities Act, 2008 (in short 'Act') has approached this Court challenging the order of detention dated 12.08.2025.



3. Learned counsel for the petitioner has assailed the order of detention on various grounds.

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4. There is some history to the matter, as the detenu is stated to be involved in a slew of cases, of which some have been cited in the order of detention and in the counter filed by the respondents. In respect of Crime No.13 of 2015, a non-bailable warrant had been issued as against the detenu on 18.06.2024 and he had ultimately surrendered to the authorities on 04.04.2025 and had been lodged in Central Prison, Puducherry.

5. While so, there appears to have been an incident that had taken place on 14.02.2025 and the authorities, suspecting the involvement of the detenu in the said incident, arrested the detenu formally on 10.04.2025. However, the order of detention in connection with the said incident that took place on 14.02.2025, has been passed only on 12.08.2025.

6. In such circumstances, the question that would arise for our determination is as to whether the subjective satisfaction arrived at by the authority to make arrest on 10.04.2025 and pass an order of detention on 12.08.2025 reveals application of mind and whether there is any justifiable link between the incident, arrest and the detention.

7. In *Sushanta Kumar Banik Vs. State of Tripura* (2022 LiveLaw (SC) 813), a similar issue arose, and the relevant discussion reads as follows:



delay is far longer, just two days shy of 6 months. The delay is inordinate and unexplained and for this reason, vitiates the order, rendering it liable to be quashed.

10. That apart, the detenu has moved a bail application in Cr.M.P.No.1332 of 2025 which has, admittedly, been dismissed. There is no other bail petition that has been moved by the detenu and in fact, there is not even an averment to that effect in the grounds of detention. The detaining authority refers to intelligence collected by the police authorities on 02.08.2025 and 07.08.2025 from informants, to the effect that the detenu is hatching a plan while in prison to extort money from business people through his associates who are outside. This is one of the grounds on the basis of which he arrives at the subjective satisfaction for the impugned order of detention to be passed.

11. On a perusal of the order of detention, we do not find any credible material on the basis of which the subjective satisfaction has been formed, aside from general references to the information allegedly received from the informants.

12. In light of the aforesaid discussion, we are of the considered view that there is neither a proximate link between the incident (14.02.2025, 10.04.2025) and order of detention dated (12.08.2025), and nor is there any credible material brought on record by the detaining authority to substantiate his subjective satisfaction.



13. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the third respondent in No.04/DM/RO/D2/PPASAA/2025 dated 12.08.2025 is set aside.

14. The detenu, viz., Sivasankar @ Sankar, S/o.Saravanan, male aged 32 years, who is now confined in Central Prison, Kalapet, Puducherry, 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.)

09-04-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

To

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Union of Puducherry
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Puducherry.
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4. The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.
5. The Superintendent of Police (East)
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6. The Public Prosecutor (Puducherry),
High Court of Madras.
7. 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.

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