



WEB COPY

HCP No. 2097 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2097 of 2025

Madan Lal @ Madhan Singh
S/o. Savaram Ji,
506K, Udesho Ka Wass,
Sayla, Jalor District.
State of Rajasthan.

..Petitioner(s)

Vs

1. The Principal Secretary to the Government
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai-600 009.
2. The District Magistrate and District Collector,
Thiruvallur District, Thiruvallur.
3. The Superintendent of Police,
O/o.Superintendent of Police, Thiruvallur
District.
4. The Superintendent Of Prison,
Central Prison-II Puzhal, Chennai District.
5. The Inspector of Police,
Thiruvallur Taluk Circle,
Thiruvallur District.

..Respondent(s)



Prayer: Habeas Corpus Petition filed under Article 226 of Constitution of India for issuance of Writ of Habeas Corpus or any other writ, order or direction calling for the entire records connected with the detention order in B.B.C.D.E.F.G.I.S.S.S.V.No.21/2025 on 03.08.2025 on the file of the respondent No.2 and quash the same and direct the respondent to produce the person of petitioner son one named Mr.Mahipal Singh S/o. Madan singh aged about 30 years now confined at Central Prison-II, Puzhal before this Hon'ble Court and set him at liberty forthwith and pass such further or other orders as this Hon'ble Court.

For Petitioner(s): Mr. K. Prathap
for Mr. Sanjay J.Rajpurohit

For Respondent(s): Mr. R. Muniyapparaj,
Additional Public Prosecutor
Assisted By Mr. M. Sylvester John
Advocate

ORDER

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

The father of the detenu Mahipal Singh branded as Goonda has filed this petition challenging the detention order dated 03.08.2025.

2. The only point raised by the petitioner is that the detenu was arrested on 07.06.2025 and the detention order was passed on 03.08.2025 and that in view of the delay, the live and proximate link between the grounds of detention and the purpose of detention has been snapped. He relied upon a judgment of the Hon'ble Supreme Court in *Sushanta Kumar Banik V. State of Tripura and others* (2022 SCC OnLine SC 1333) in support of his submission. He also



relied upon the judgment of this Court in HCP No.2364 of 2025 (*Lakshmi V. The State of Tamil Nadu and others*) where, in similar circumstances, this Court had quashed the detention order.

3. Heard the learned Additional Public Prosecutor.

4. It is seen from the records that the petitioner was arrested on 07.06.2025 and the detention order was passed on 03.08.2025. The Hon'ble Supreme Court in the case of *Sushanta Kumar Banik* (supra) had held as follows:

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.

5. In this case, the delay has not been explained satisfactorily. Hence, the above observations would squarely apply to the instant case as well. Consequently, the detention order cannot be sustained. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.B.B.C.D.E.F.G.I.S.S.V.No.21/2025 dated 03.08.2025 is hereby set aside.



6. The detenu, viz., Mahipal Singh S/o. Madan Singh, aged 30 years, who is now confined in Central Prison -II, Puzhal, Chennai is hereby 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.)

03-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sl

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

To

1. The Principal Secretary to the Government
Home, Prohibition and Excise (XVI)
Department,
Secretariat,
Chennai-600 009.
2. The District Magistrate and District Collector,
Thiruvallur District, Thiruvallur.
3. The Superintendent of Police,
O/o. Superintendent of Police, Thiruvallur
District.
4. The Superintendent Of Prison,
Central Prison-II Puzhal, Chennai District.
5. The Inspector of Police,
Thiruvallur Taluk Circle,
Thiruvallur District.
6. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY

HCP No. 2097 of 2



DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

sl

HCP No. 2097 of 2025

03-03-2026