



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1983 of 2025

AND

HCP NO. 1985 OF 2025,HCP NO. 2214 OF 2025

In HCP.No.1983 of 2025

B.Vaishnavi
W/o.Boobalan,
No.49, C.K.Manickanar Street,
Naravarikuppam,
Redhills,
Chennai-600 052.

..Petitioner(s)

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort st George,
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police,
Vepery,
Chennai.
3. The Superintendent of Police,
Central Prison,
Palayamkottai,



Tirunelveli.

4. The Inspector of police
K7, ICF Police Station,
Chennai.

..Respondent(s)

In HCP No.1985 of 2025:

S.Bharathi
W/o.Shivaji,
No.49, C.K.Manickanar Street,
Naravarikuppam,
Redhills,
Chennai-600 052.

..Petitioner(s)

Vs

1. The Additional Chief Secretary To Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai-600 009.
2. The Commissioner Of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.
3. The Superintendent Of Police,
Central Prison,
Palayamkottai,
Thirunelveli District.
4. The Inspector Of Police,
K7, ICF Police Station,
Chennai.



..Respondent(s)

In HCP No. 2214 of 2025

Santhalakshmi
W/o.Chinnamalaiyathiri,
No.33/43, 2nd Street Meenambal Nagar,
Korukkupet, Washermenpet, Chennai - 21.

..Petitioner(s)

Vs

1. The State of Tamil Nadu, Rep by its
Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai - 600009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai - 600 007.
3. The Superintendent of Prisons,
Central Prison Puzhal,
Chennai - 600066.
4. The Inspector of Police,
K-7, ICF Police Station,
Chennai District.

..Respondent(s)

Prayer in HCP No. 1983 of 2025: 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 pertaining to the order of detention passed by the second respondent in his proceedings in No.652/BBCDEFGISSV/2025 dated 04/09/2025 and Quash the same as illegal and produce the detenue namely BOOBALAN



S/o.Murugan aged 26 yrs, GOONDA now he is confined in Central Prison, Palayamkottai, Thirunelveli before this Hon'ble Court and set him at liberty.

Prayer in HCP No. 1985 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus, or any other order or direction in the nature of writ, call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.626/BBCDEFGISSSV/2025, dated 03.09.2025 and quash the same as illegal and produce the detinue, namely Sivaji, S/o.Mohan, aged 32 years, Goonda now he is confined Central Prison, Palayamkottai, Thirunelveli before this Hon'ble Court.

Prayer in HCP No. 2214 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus or any other Writ or a direction, calling for the records relating to the detention order in 627/BBCDEFGISSSV/2025 DATED 03.09.2025 passed by the 2nd Respondent under the Tamil Nadu Act 14 of 1982 and quash the same and direct the Respondents to produce the Radhakrishnan, aged 19 years, S/o.Chinnamalaiyathiri, who is presently confined in the Central Prison Puzhal, Chennai before this Hon'ble Court and set him at liberty and pass such further or other order that this Hon'ble Court.

For Petitioner(s): Mr.C.Vignesh
(In HCP.Nos.1983 and 1985 of 2025)

Mr.P.Santhosh
(In HCP.No.2214 of 2025)

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



(in all HCPs)

COMMON ORDER

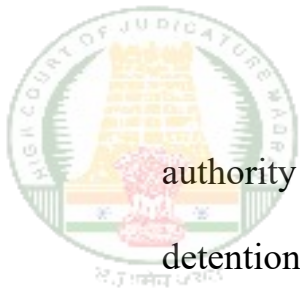
(Order of the Court was made by Dr.Anita Sumanth J.)

We have heard Mr.C.Vignesh, learned counsel for the petitioner in HCP Nos.1983 and 1985 of 2025, Mr.P.Santhosh, learned counsel for the petitioner in HCP No.2214 of 2025 and Mr.R.Muniyapparaj, learned Additional Public Prosecutor, learned counsel for the respondents in all the HCPs.

2. The relatives of the detenus Boobalan S/o Murugan (HCP No.1983 of 2025), Sivaji, S/o Mohan (HCP No.1985 of 2025) and Radhakrishnan, S/o Chinnamalaiyathiri (HCP No.2214 of 2025), all labelled as Goondas under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') have approached this Court challenging the orders of detention.

3. It is seen from the impugned orders and the grounds of detention that the detenus in HCP Nos.1983 and 1985 of 2025 were arrested on 31.07.2025 and the detenu in HCP No.2214 of 2025 was arrested on 29.07.2025. However, they were detained only on 03.09.2025. Neither in the grounds of detention nor in the counter affidavits filed by the 2nd respondent, has any satisfactory explanation been given for the delay in passing the orders of detention.

4. 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 31.07.2025 and 29.07.2025 and pass orders of detention on 03.09.2025 reveals application of mind and whether there is any justifiable link between the incident, arrest and the detention.

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

6. 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* (2023 SCC OnLine Mad 6332), had held that when there is an inordinate delay between the date of arrest/date of proposal and 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.

WEB COPY

7. In yet another case i.e., in *Nagaraj Vs. State of Tamil Nadu*, ((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. In the present case too, there is a substantial delay, being 34 and 36 days respectively. The delay is inordinate and unexplained and for this reason, vitiates the order, rendering it liable to be quashed.

8. In light of the aforesaid discussion, these Habeas Corpus Petitions are allowed and the Detention Order passed by the second respondent in No.652/BBCDEFGISSSV/2025 dated 04.09.2025 (HCP.No.1983 of 2025), No.626/BBCDEFGISSSV/2025 dated 03.09.2025 (HCP.No.1985 of 2025) and No.627/BBCDEFGISSSV/2025 dated 03.09.2025 (HCP.No.2214 of 2025) are set aside.

9. The detenus, viz., (i) Boobalan, S/o. Murugan, male aged 26 years, who is now confined in Central Prison, Palayamkottai, Tirunelveli (HCP.No.1983 of 2025), (ii) Sivaji, S/o. Mohan, male aged 32 years, who is now confined in Central Prison, Palayamkottai, Tirunelveli (HCP.No.1985 of 2025) and (iii) Radhakrishnan, S/o. Chinnamalaiyathiri, male aged 19 years, who is now confined in Central Prison, Puzhal, Chennai (HCP.No.2214 of



2025), are directed to be set at liberty forthwith unless their presence is required in connection with any other case.

WEB COPY

(A.S.M.,J.) (S.M.,J.)

28-04-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note: Issue today.

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Fort st George,
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.
3. The Superintendent of Police,
Central Prison,
Palayamkottai,
Tirunelveli
4. The Superintendent of Prisons,
Central Prison Puzhal,
Chennai - 600066.
5. The Inspector of police
K7, ICF Police Station,
Chennai.



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.



WEB COPY

HCP Nos. 1983, 1985 and 2214 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

HCP Nos.1983, 1985 & 2214 of 2025

28-04-2026