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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. 2048 of 2025

Amulu
W/o. Devaraj,
No.7/60. 163rd Street,
6th Block, Muthamizh Nagar,
Kodungaiyur,
Chennai-600118.

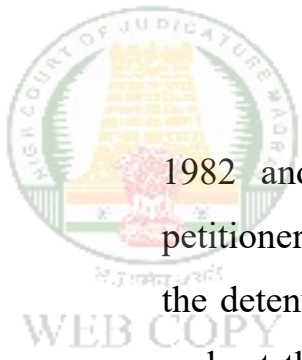
..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep. by the Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
3. The Inspector of Police,
P-1. Pulianthope Police Station,
Chennai.
4. The Superintendent of Prison,
Central Prison-II, Puzhal, Chennai-600 066.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus or any other writ of direction calling for the records relating to the detention order in Memo No.670/BBCDEFGISSSV/2025 dated 11.09.2025 passed by the 2nd respondent under the Tamilnadu Act of 14 of



1982 and set aside the same and direct the respondent to produce the petitioner's husband Thiru. Devaraj, S/o Vinayagamorthy, aged about 32 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's husband Thiru. Devaraj S/o Vinayagamorthy, aged 32 years the detenu herein at liberty.

For Petitioner(s): Mr. J. Deva

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

ORDER

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

Devaraj, S/o. Vinayagamorthy, has been branded as Drug Offender under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) and kept in Central Prison, Puzhal, Chennai under order dated 11.09.2025. His wife has filed this petition seeking a quash of the aforesaid order.

2. We have heard learned counsel for petitioner and learned Additional Public Prosecutor.

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 08.08.2025 and he was detained on 11.09.2025. Neither in the grounds of detention nor in the counter affidavit filed by the 2nd respondent, has any satisfactory explanation been given for the delay in passing



the order of detention. We are hence 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*, [2022 LiveLaw (SC) 813] and the relevant paragraph 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.”

4. Drawing inspiration from the judgment in *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 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.

5. 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 as well, the delay, of a period of 33 days, is inordinate and unexplained and for this reason, vitiates the order, rendering it liable to be quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.670/BBCDEFGISSSV/2025, dated 11.09.2025, is set aside.

7. The detenu, viz., Devaraj, S/o. Vinayagamoorthy, aged 32 years, who is now confined in Central Prison, Puzhal, Chennai, 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.)
28-04-2026

Speaking order
Neutral Citation: Yes
ssm

Note to Registry : Issue Today

To

1. The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The Commissioner Of Police,
Greater Chennai,
Vepery, Chennai-600 007.
3. The Inspector Of Police,
P-1. Pulianthope Police Station,
Chennai.



4. The Superintendent Of Prison,
Central Prison-II, Puzhal, Chennai-600 066.
5. The Public Prosecutor,
High Court of Madras.
6. 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.

ssm

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