



WEB COPY

HCP No. 2072 of 2



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. 2072 of 2025

Sathya

..Petitioner(s)

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai 600 009.
2. The District Collector and Magistrate,
of Mayiladuthurai District,
Mayiladuthurai.
3. The Superintendent of Police
Mayiladuthurai District,
Mayiladuthurai.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.

..Respondent(s)

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 11.09.2025 in C.O.C.No. 40/2025 against the petitioner's brother Karthik, Male aged 30 years S/o.Pakkiyam, who is confined at Central Prison, Cuddalore and set aside the



same and direct the respondents to produce the detenu before the Court and set him at liberty.

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For Petitioner(s): Mr.D.Balaji

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

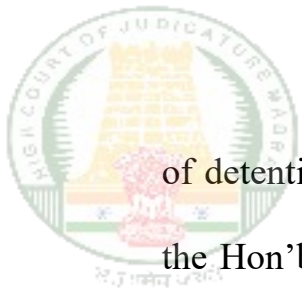
ORDER

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

The sister of detenu - Karthik, S/o.Pakkiyam, aged 30 years, has filed this petition challenging the detention order dated 11.09.2025, branding him as 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

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 03.08.2025 and he was detained on 11.09.2025. Neither in the grounds of detention nor in the counter affidavit filed by the 2nd respondent, any satisfactory explanation has been given for the delay of 38 days 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 SCC OnLine SC 1333**' 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 **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 the grounds and purpose of detention would stand snapped.



5. 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.

6. In light of the above discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order C.O.C.No.40/2025, dated 11.09.2025 is set aside.

7. The detenu, viz., Karthik, S/o. Pakkiyam, aged 30 years, now confined in Central Prison, Cuddalore, 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

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue Order Today

TSG



To

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2. The District Collector and Magistrate,
of Mayiladuthurai District,
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3. The Superintendent of Police
Mayiladuthurai District,
Mayiladuthurai.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
6. The Public Prosecutor,
Madras High Court.
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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