



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2094 of 2025

Sahanaj Parvin
W/o.Late Ali Hossain,
NO.141, Kamat Chandrabandha,
Koch Bihar,
West Bengal-735 301

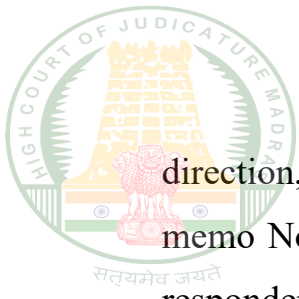
..Petitioner(s)

Vs

1. The Secretary to the Government
Government of Tamilnadu
Home, Prohibition and Excise Department,
Fort St.George, Chennai-9.
2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police, Goondas
Section,
Vepery, Chenani-600 007.
3. The Superintendent of Police
Central prison, Puzhal, Chennai.
4. The Inspector of Police
State Cyber Crime Investigation Center, Cyber
Crime Wing, Ashok Nagar,
Chennai.

..Respondent(s)

Petition filed under Article 226 of Constitution of India praying 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 in detention order memo No.718/BBCDEFGISSSV/2025 dated 22.09.2025 on the file of the 2nd respondent and quash the same and direct the respondent herein to produce the person or body of Petitioner's son Sahazada Hossain, Son of Mr. Ali Hossain, aged about 23 years the detenu now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner(s): Mr.C.Ravi

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

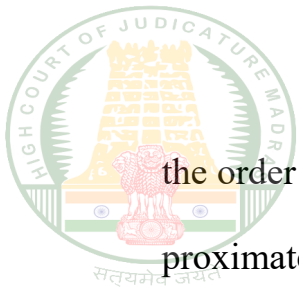
ORDER

(Made by Dr.Anita Sumanth J.)

Sahazada Hossain, S/o. Ali Hossain, has been branded as 'Cyber Law Offender' under Section 2(bb) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) and kept in Central Prison, Puzhal, Chennai under order dated 22.09.2025. His mother 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 21.08.2025 and he was detained on 22.09.2025. 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

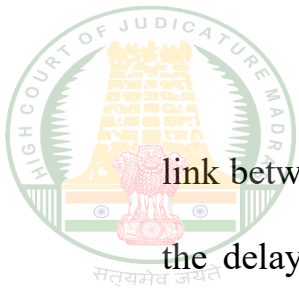


the order of detention. We are of the view that in view of the delay, the live and proximate link between grounds of detention and the purpose of detention, stood snapped. In this regard, we may rely upon the judgment of the Hon'ble Supreme Court in *Sushanta Kumar Banik Vs. State of Tripura*, [2022 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 31 days, is inordinate and unexplained and for this reason, vitiates the order, rendering it liable to be quashed.

6. In addition, the detenu has not moved any bail application and hence the statement of the authority relying on the sponsoring authority that the relatives of the detenu are taking steps to enlarge him on bail has absolutely no basis. Hence such subjective satisfaction is vitiated for non-application of mind.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.718/BBCDEFGISSSV/2025 dated 22.09.2025 is set aside.

8. The detenu, viz., Sahazada Hossain, S/o. Ali Hossain, aged 23 years, 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.)
29-04-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
ssm

Note to Registry: Issue today.

To

1. The Secretary to the Government
Government of Tamilnadu
Home, Prohibition and Excise Department,
Fort St.George, Chennai-9.



2. The Commissioner of Police
Greater Chennai,
Office of the Commissioner of Police, Goondas Section,
Vepery, Chennai-600 007

3. The Superintendent of Police
Central prison, Puzhal, Chennai

4. The Inspector of Police
State Cyber Crime Investigation Center,
Cyber Crime Wing, Ashok Nagar,
Chennai.

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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