



HCP No. 2373 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2373 of 2025

Jayasree

..Petitioner(s)

Vs

1. The Addl. Chief Secretary to the Government,
Home, Prohibition and Excise (XVI)
Department, Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
Law and order,
R-7, KK Nagar Police Station,
Chennai District.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Habeas Corpus, calling for the entire records connected with the detention Memo No.774/BBCDEFGISSSV/2025 dated 07.10.2025 on the file of the respondent No.2 and quash the same and direct the respondents to produce the petitioner's brother one named



HCP No. 2373 of 2025

Mr.Kishore S/o.Elangovan aged about 29 years now confined at Central Prison, Puzhal before this court and set him at liberty forthwith.

For Petitioner(s): Mr.P.Muthamizhselvakumar
For Respondent(s): Mr. C.R. Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

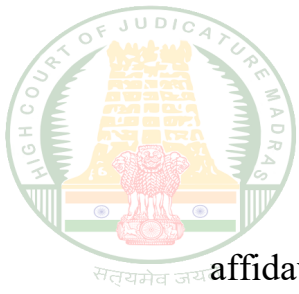
ORDER

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

The sister of the detenu – Kishore, S/o.Elangovan, aged 29 years, has filed this petition challenging the detention order dated 07.10.2025, branding him as ‘Drug Offender’ under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondents.

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 04.09.2025 and he was detained on 07.10.2025. Neither in the grounds of detention nor in the counter

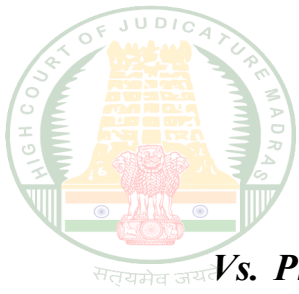


WEB COPY

affidavit filed by the 2nd respondent, any satisfactory explanation has 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**', 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**



HCP No. 2373 of 2025

WEB COPY

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 No. 774/BBCDEFGISSSV/2025, dated 07.10.2025 is set aside.



HCP No. 2373 of 2025

WEB COPY

7.The detenu, viz., Kishore, S/o.Elangovan, aged 29 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.)
23-06-2026

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

TSG
Note: Issue order copy today.

To

1. The Addl. Chief Secretary to the Government,
Home, Prohibition and Excise (XVI) Department, Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
Law and order,
R-7, KK Nagar Police Station,
Chennai District.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.



HCP No. 2373 of 2025

WEB COPY

6. The Public Prosecutor,
High Court of Madras.



WEB COPY



HCP No. 2373 of 2025

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

TSG

HCP No. 2373 of 2025

23-06-2026

Page 7 of 7