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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. 2366 of 2025

S.Maheshwari

W/o.Senthil Kumar,

Door No. 09/19 Neeliveerasamy Street,

Triplicane, Chennai - 600 005.

..Petitioner(s)

Vs

1. The State Rep. by its
The Additional Chief Secretary to Government,
Home, Prohibition and Excise (XVI) Dept.,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Commissioner of Police
Office of the Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison
Central Prison at Puzhal,
Chennai- 600 066.
4. The Inspector of Police
D-4, Zam Bazar Police Station,
Chennai District.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the records in detention order in No. 748/BBCDEFGISSSV/2025 dt. 04.10.2025 on the file of the 2nd respondent and set aside the same and direct the respondents herein to produce the son of the



petitioner/detenu namely Mr.Amar @ Kishore Kumar, S/o.Senthil Kumar, aged 25 years, now confined in Central Prison at Puzhal before this Hon'ble Court and set him at liberty.

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For Petitioner(s): Ms.R.Subadra Devi

For Respondent(s): Mr.C.R.Malarvannan,
Counsel For Government Of Tamil Nadu
(Criminal Side)

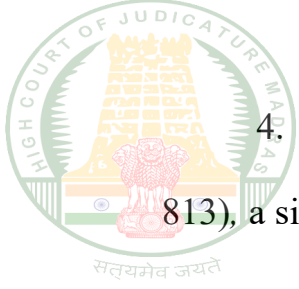
ORDER

(Made by Dr.Anita Sumanth J.)

The mother of one Amar @ Kishorekumar (detenu), S/o. Senthilkumar, who was detained as a 'Drug Offender' under Section 2(e) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the order of detention dated 04.10.2025.

2. We have heard Ms.R.Subadra Devi, learned counsel for petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents.

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 26.08.2025 and he was detained on 04.10.2025. We do not find any satisfactory explanation for the delay in passing the order of detention either in the grounds of detention or in the counter affidavit filed by the 2nd respondent. Hence, we are of the view that the live and proximate link between grounds of detention and the purpose of detention stands snapped.



4. 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.”

5. 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.

6. 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, the delay is more than a month, 39 days to be exact, and unexplained and for this reason, vitiates the order, rendering it liable to be quashed.

7. In light of the aforesaid discussion, we are of the considered view that there is neither a proximate link between the arrest (26.08.2025) and order of detention (04.10.2025), and nor is there any credible material brought on record by the detaining authority to substantiate his subjective satisfaction.

8. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.748/BBCDEFGISSSV/2025 dated 04.10.2025 is set aside.

9. The detenu, viz., Amar @ Kishorekumar, S/o.Senthilkumar, male aged 25 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

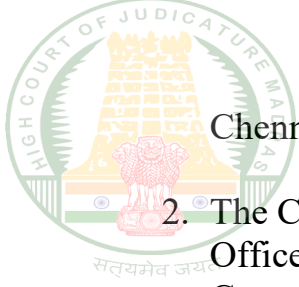
Index: Yes/No
Speaking order
Neutral Citation: Yes

ssm

Note to Registry : Issue Today

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise (XVI) Dept.,
Fort St.George, Secretariat,



Chennai - 600 009.

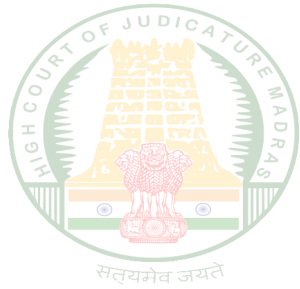
2. The Commissioner of Police
Office of the Commissioner of Police,
Greater Chennai.

3. The Superintendent of Prison
Central Prison at Puzhal,
Chennai- 600 066.

4. The Inspector of Police
D-4, Zam Bazar Police Station,
Chennai District.

5. The Joint Secretary to Government
Public (Law and Order),
Fort St.George,
Chennai – 9.

6. The Public Prosecutor,
High Court, Madras.



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

ssm

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