



WEB COPY

HCP No.2508 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2508 of 2025

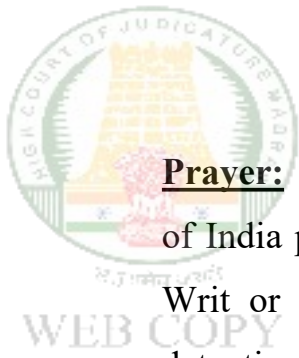
Sumathi, 56 years,
D/o.Subramani,
No.26, Gemgao Street, Vasanth Nagar,
Muthialpet, Pondicherry.

..Petitioner(s)

Vs

- 1.The Chief Secretary to Government of Puducherry,
Union of Puducherry,
Chief Secretariat, Puducherry.
- 2.The Secretary to Lieutenant Governor,
Rajnivas, Puducherry.
- 3.The District Magistrate-cum-Authorised Officer,
Office of the District Magistrate,
1st Floor, Vazhadvavoor Road,
Kavundanpalayam,
Puducherry-605 009.
- 4.The Superintendent of Police, (East),
Puducherry.
- 5.The Chief Superintendent of Jail,
Central Prison, Kalapet,
Puducherry.
- 6.The Inspector of Police,
Grand Bazaar Police Station,
Puducherry.

... Respondent(s)



Prayer: Habeas Corpus petition filed under Article 226 of the Constitution of India praying for issuance of a WRIT OF HABEAS CORPUS or any other Writ or order in the nature of Writ calling for the records relating to the detention order in NO.02/DM/RO/D2/PPASAA/2025, dated 09.06.2025 passed by the 3rd respondent under the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act 10 of 2010) and set aside the same and direct the respondent to Produce the petitioner's son Sivaperumal @ Sathiya S/o. Saravanan aged about 30 years the detenue, now confined in Central Prison, Kalapet, Puducherry before this Hon'ble Court and set him at liberty.

For Petitioner(s): Mr.Mohd.Saifullah
for Mr.U.Yuvaraj

For Respondent(s): Mr.A.Alexander,
Government Advocate
Assisted by
Mr.M.V.Ramachandra Murthy
Public Prosecutor (Govt. of Puducherry)

ORDER

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

This writ of Habeas Corpus seeks a quash of detention order dated 09.06.2025 detaining one Sivaperumal @ Sathiya, S/o Saravanan, as a 'Dangerous Person' in terms of Section 3(1) of the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act 10 of 2010) (in short 'Act').

2.Learned counsel for the petitioner would raise the primary argument of an unexplained and unjustified delay between the date of arrest and date of order of detention relying on the judgment of the Supreme Court in *Sushanta Kumar Banik Vs. State of Tripura*, [2022 LiveLaw (SC) 813].



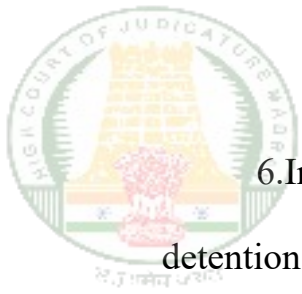
3. The date of arrest in this case is 15.02.2025 and the order of detention has been passed only on 09.06.2025.

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4. Learned Government Advocate appearing for the respondents does not have any explanation for the delay. Neither is he able to point to any material on the record to explain the intervening delay between 15.02.2025 and 09.06.2025.

5. In *Banik's* case, the Supreme Court had occasion to consider, among others issues, the impact of the prolonged delay between date of arrest and order of detention. The Court has opined that there must be a live and proximate nexus between the purpose of arrest and purpose of detention and the nexus between the two would be snapped if the intervening delay is beyond a reasonable period. The relevant paragraph of the aforesaid judgment is as follows:

20. 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.



6. In the present case, there is not a whisper in the impugned order of detention, and neither do we find any material available on record, or in the even in the counter filed by the respondents, to explain why the order of detention has been passed nearly four months after the date of arrest. In such circumstances, there is, apparently, no connection between the arrest and detention, let alone a live nexus between two, and link has totally snapped.

7. In light of the aforesaid and having heard the rival contentions, we are of the considered view that the ratio of the decision in the *Banik* (supra) will be applicable on all fours to the present matter.

8. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the third respondent in No.02/DM/RO/D2/PPASAA/2025, dated 09.06.2025 is set aside.

9. The detenu, viz., Sivaperumal @ Sathya, S/o. Saravanan, aged 30 years, now confined in Central Prison, Kalapet, Puducherry, 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.)
26-03-2026

vs

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note: Issue today.



To

- 1.The Chief Secretary to Government of Puducherry,
Union of Puducherry,
Chief Secretariat, Puducherry.
- 2.The Secretary to Lieutenant Governor,
Rajnivas, Puducherry.
- 3.The District Magistrate-cum-Authorised Officer,
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Puducherry-605 009.
- 4.The Superintendent of Police, (East),
Puducherry.
- 5.The Chief Superintendent of Jail,
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Puducherry.
- 6.The Inspector of Police,
Grand Bazaar Police Station,
Puducherry.
- 7.The Joint Secretary to Government,
Public (Law and Order),
Chief Secretariat, Puducherry.
- 8.The Public Prosecutor,
Government of Puducherry,
High Court, Madras.



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DR.ANITA SUMANTH J.

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SUNDER MOHAN J.

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