



HCP No. 2485 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2485 of 2025

Varalakshmi

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep.by the Additional Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Tambaram City,
Sholinganallur, Chennai - 600 119.
3. The Inspector of Police,
Prohibition Enforcement Wing,
Pallikaranai, Chennai.
4. The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai - 600 066.

..Respondent(s)

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the detention order in Memo No.122/BBCDEFGISSSV/2025 dated 23.09.2025 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside



HCP No. 2485 of 2025

the same and direct the respondent to produce the petitioner's husband Thiru. Amarendran S/o. Ramakrishnan, aged about 24 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's husband Thiru. Amarendran, S/o. Ramakrishnan, aged about 24 years, the detenu herein at liberty.

For Petitioner(s): Mr. R. Muthukumar

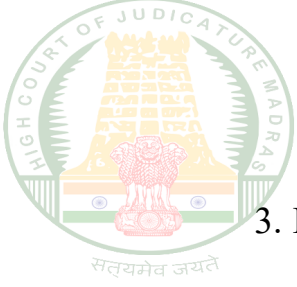
For Respondent(s): Mr. C. R. Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

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

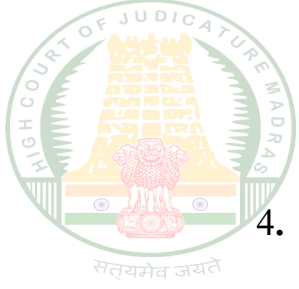
The wife of detenu - R. Amarendran, S/o. Ramakrishnan, aged 24 years, has filed this petition challenging the detention order dated 23.09.2025, branding him as a 'Drug Offender' under Section 2(e) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

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 grounds of detention that the detenu was arrested on 23.08.2025 and he was detained on 23.09.2025. 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 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:

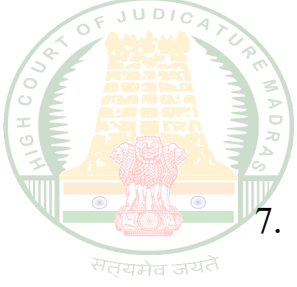
“21. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order 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.

6. That apart, we find on perusal of the record and on hearing the submissions on either side, that the special report sent by the sponsoring authority is undated. The compelling necessity to detain the detenu would depend on the date on which the sponsoring authority has sent his report. In the absence of the said date, the special report would become irrelevant and the compelling necessity to detain the detenu becomes doubtful.



7. Further in '*Rekha Vs. State of Tamil Nadu through Secretary to Government and another*' reported in '*2011 [5] SCC 244*', the Hon'ble Supreme Court had held that where the detention order is passed on any irrelevant material, then, the detention order is liable to be quashed. we are of the view that for the aforesaid reasons the impugned detention order is liable to be set aside.

8. Accordingly, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in Detention Order BBCDEFGISSSV No.122/2025 dated 23.09.2025 is set aside.

9. The detenu, viz., R. Amarendran, S/o. Ramakrishnan, aged 24 years, who is 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.)
05-06-2026

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

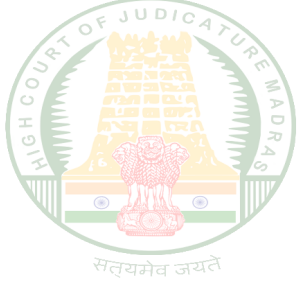
TSG



Note: Issue order copy today.

WEB COPY
To

1. The State of Tamil Nadu,
Rep.by the Additional Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Tambaram City,
Sholinganallur, Chennai - 600 119.
3. The Inspector of Police,
Prohibition Enforcement Wing,
Pallikaranai, Chennai.
4. The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai - 600 066.
5. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.
6. The Public Prosecutor,
High Court, Madras.



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

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