



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP Nos. 2450 and 2460 of 2025

Sudha
W/o.Manikandan,
MGR Nagar,
Karukattanpatti Road,
Usilampati, Madurai District.

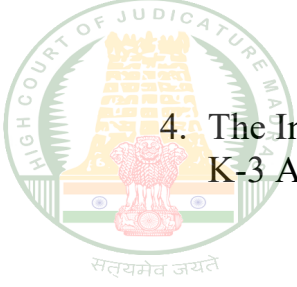
..Petitioner in
HCP.No.2450 of 2025

Ummakanima Ammal
W/o. Sheik Mohamed Ali,
No.27, Nadu Theru,
Athirampattinam, Pattukottai, Thanjavur District.

..Petitioner in
HCP.No.2460 of 2025

Vs

1. The State of Tamil Nadu
Rep by its Secretary, to Government, Home
Prohibition and Excise Department, Fort St.
George Chennai - 600 009.
2. Commissioner of Police, Greater Chennai
Vepery, Chennai.
3. The Superintendent
Central Prison, Puzhal, Chennai.



4. The Inspector of Police,
K-3 Aminjikarai Police Station, Chennai.

..Respondent(s) in both
HCP's

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Prayer in HCP No. 2450 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of Order or Direction in the nature of a WRIT OF HABEAS CORPUS calling for the entire records leading to the detention of the detenu namely Manikandan @ Govind, M/a. 41 years, S/o.Mariappan vide detention order dated 04.10.2025 on the file of the 2nd respondent herein made in the proceedings in detention order No.742/BBCDEFGISSSV/2025 and quash the same and consequently direct the respondents herein to produce the detenu at Liberty from Central Prison, Puzhal, Chennai.

Prayer in HCP No. 2460 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ of order or direction in the nature of a Writ of Habeas Corpus calling for the entire records leading to the detention of the detenu namely Tajudeen S/o. Sheik Mohamed Ali aged about 41 years vide detention order dated 04.10.2025 on the file of the 2nd respondent herein made in the proceedings in detention order No.743/BBCDEFGISSSV/2025 and quash the same and consequently direct the respondents herein to produce the detenu at liberty from Central Prison, Puzhal, Chennai and pass such other or further order or orders as this Honble Court.

In both HCP's

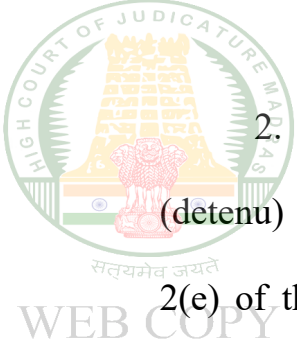
For Petitioner(s): Ms.N.Gayathri

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

Common Order

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

We have heard Ms.N.Gayathri, learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents in both HCP's.



2. In HCP.No.2450 of 2026, the mother of one Manikandan @ Govind (detenu) S/o Mariappan, 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.

3. In HCP.No.2460 of 2026, the mother of one Tajudeen (detenu) S/o Sheik Mohamed Ali, 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.

4. It is seen from the impugned orders and the grounds of detention that the detenus were arrested on 24.08.2025 and they were 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.

5. 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



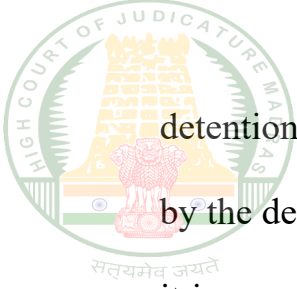
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genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the 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. 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.

7. 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, and unexplained and for this reason, vitiates the order, rendering it liable to be quashed.

8. In light of the aforesaid discussion, we are of the considered view that there is neither a proximate link between the arrest (24.08.2025) and order of



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detention (04.10.2025), and nor is there any credible material brought on record by the detaining authority to substantiate his subjective satisfaction. That apart, it is an admitted position that the bail granted in Cr.M.P.No. 5457 of 2025 is in consideration of the medical ailment of the accused wife to undergo kidney surgery.

9. Hence, these Habeas Corpus Petition are allowed and the Detention Orders passed by the second respondent in No.742/BBCDEFGISSSV/2025 and No.743/BBCDEFGISSSV/2025, both dated 04.10.2025, are set aside.

10. The detenus, viz., Manikandan @ Govind, S/o.Mariappan, male aged 41 years, and Tajudeen, S/o.Sheik Mohamed Ali, male aged 41 years, both now confined in Central Prison, Puzhal, Chennai, are directed to be set at liberty forthwith unless their presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)

30-06-2026

ssm

Index: Yes/No

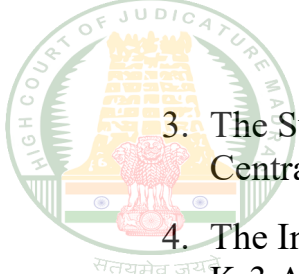
Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today.

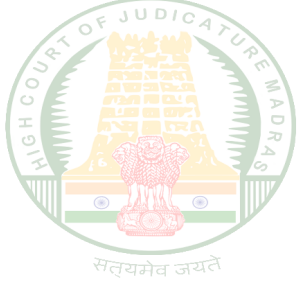
To

1. Secretary, to Government, Home Prohibition and Excise Department, Fort St. George Chennai - 600 009.
2. Commissioner of Police, Greater Chennai Vepery, Chennai.



3. The Superintendent
Central Prison, Puzhal, Chennai.
4. The Inspector of Police,
K-3 Aminjikarai Police Station, Chennai.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government
Public (Law and Order),
Secretariat, Fort St.George, Chennai – 9.

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HCP Nos. 2450 and 2460 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SSM

HCP Nos. 2450 and 2460 of 2025

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