



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 Nos. 2411, 2426 and 2438 of 2025

Kamalavalli
W/o.Sivakumar,
No.130, Big street, Narasingapuram Post,
Tiruvallur District

..Petitioner in
HCP.No.2411 of 2025

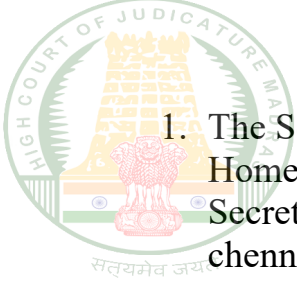
Saraswathy
W/o.Panjasaram,
Narasingapuram Post,
Irulanchery,
Tiruvallur District.

..Petitioner in
HCP.No.2411 of 2025

Emimery
W/o.Aruldoss
No.19, Rajiv Gandhi Street,
Melpakkam Colony,
Morai Post,
Tiruvallur District

..Petitioner in
HCP.No.2411 of 2025

Vs



1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
chennai-600 009

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2. The District Magistrate and District Collector
Tirvuallur,
Tiruvallur District.
3. The Superintendent of Police
Tiruvallur,
Tiruvallur District.
4. The Superintendent of Prison
Central prison- Puzhal,
Chennai District.
5. State rep by its Inspector of Police
Kadambathur Police station,
Tiruvallur District.

..Respondents in all
HCP's

Prayer in HCP.No.2411 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a writ of habeas Corpus or any other appropriate writ order direction in the nature of a writ of habeas Corpus to call for the entire records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 20.09.2025 on the file of the second respondent herein made in proceedings in detention order No.36/2025, quash the same as illegal and consequently direct the respondent herein to produce the petitioner's son namely Vinothkumar @ Baba, S/o.Sivakumar, aged 26 years before this Hon'ble High Court and set him petitioner's son at liberty from detention now the petitioner's son detained at Central Prison-II, Puzhal, Chennai.

Prayer in HCP.No.2426 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance a Writ of Habeas Corpus or any other



appropriate writ, order or direction, in the nature of a Writ of Habeas Corpus to call for the entire records, relating to the petitioners grandson detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 20.09.2025 on the file of the second respondent herein made in proceedings in Detention order No.34/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioners grandson namely MUKESH, S/o.Bharath, aged 20 years before this Honble High Court and set the petitioner grandson at liberty from detention, now the petitioners grandson detained at Central Prison-II, Puzhal, Chennai.

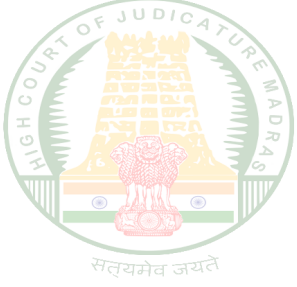
Prayer in HCP.No.2438 of 2025: Habeas corpus petition filed under Article 226 of Constitution of India for issuance a writ of habeas Corpus or any other appropriate writ order or direction in the nature of a writ of Habeas Corpus to call for the entire records relating to the petitioners son detention under TN Act 14 of 1982 vide detention order dated 20.09.2025 on the file of the second respondent herein made in proceedings in Detention order No.35/2025 quash the same as illegal and consequently direct the respondent herein to produce the petitioners on namely Abhimanyu S/o.Aruldoss aged 25 years before this Honble High Court and set the petitioners son at liberty from detention now the petitioners son detained at Central prison II, Puzhal, Chennai

In all HCP's

For Petitioner(s): Mr. P.Raman For Ms.V.Kayalvizhi

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.)**

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We have heard Mr.P.Raman, learned counsel for Ms.V.Kayalvizhi, learned counsel for the petitioners and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Criminal Side), learned counsel for the respondents.

2. In HCP.Nos.2411 and 2438 of 2025, the mother of the detenus Viz., Vinothkumar @ Baba, S/o.Sivakumar, and Abhimanyu, S/o.Aruldoss and in HCP.No.2426 of 2026, the grandmother of the detenu Viz., Mukesh, S/o.Bharath, who were detained as a Goonda under Section 2(f) of the Tamil Nadu Act 14 of 1982 (in short 'Act') has approached this Court challenging the orders of detention all dated 20.09.2025.

3. It is seen from the impugned order and the grounds of detention that the detenus were arrested on 20.08.2025 and they were detained on 20.09.2025. We do not find any satisfactory explanation for the delay in passing the orders of detention either in the grounds of detention or in the counter affidavits 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:



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“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 cases, the



delay is more than a month, 32 days to be exact, and unexplained and for this reason, vitiates the orders, rendering them liable to be quashed.

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7. In light of the aforesaid discussion, we are of the considered view that there is neither a proximate link between the arrest (20.08.2025) and orders of detention (20.09.2025), and nor is there any credible material brought on record by the detaining authority to substantiate his subjective satisfaction.

8. Hence, these Habeas Corpus Petition are allowed and the Detention Order passed by the second respondent in Nos.36 of 2025 (HCP No.2411 of 2025), 34 of 2025 (HCP No.2426 of 2025) and 35 of 2025 (HCP No.2438 of 2025), all dated 03.09.2025 are set aside.

9. The detenus, viz., Vinothkumar @ Baba, S/o.Sivakumar, Male, aged 26 years (HCP No.2411 of 2025), Mukesh, S/o.Bharath, Male, aged 20 years (HCP No.2426 of 2025) and Abhimanyu S/o.Aruldoss, Male aged 25 years (HCP No.2438 of 2025) all are confined in Central Prison-II, Puzhal, Chennai, are directed to be set at liberty forthwith unless their presence are required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
05-06-2026

sl

Index: Yes/No

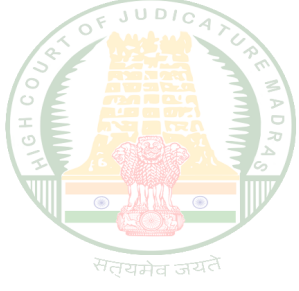
Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue Today.



1. The Secretary to Government
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chennai-600 009
2. The District Magistrate and District Collector
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Tiruvallur District.
3. The Superintendent of Police
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Tiruvallur District.
4. The Superintendent of Prison
Central prison- Puzhal,
Chennai District.
5. The Inspector of Police
Kadambathur Police station,
Tiruvallur District.
6. The Public Prosecutor,
High Court of Madras.
7. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SL

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