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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 No. 2443 of 2025

Kavitha

Wife of Tamilselvan

Residing at No. T 7 Manilla kallori,
Ladies Hostel Quarters, Triplicane,
Chennai - 600 005.

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Govt.,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9
2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison
Central Prison, Puzhal,
Chennai.
4. Inspector of Police
D1 Triplicane Police Station,
Chennai.

..Respondent(s)

Prayer: 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 or Direction more specifically in the nature of a Writ of Habeas Corpus



call for the entire records leading to the detention of the Petitioner's son Sivakumar son of Tamilselvan, Male, Aged about 20 Years is Presently lodged in Central Prison, Puzhal at Chennai and has been detained under Act 14/82 as a “GOONDA” vide detention order dated 06.10.2025 on the file of the 2nd Respondent herein, made in No. 756/BCDEFGISSV/ 2025 and presently lodged in Central Prison, Puzhal at Chennai and quash the same and consequently direct the Respondents herein to produce the body and person of the said detenu before this Hon'ble Court and thereafter set him at liberty from the Central Prison, Puzhal at Chennai.

For Petitioner(s): Mr.M.Rajavelu

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

Order

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

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

2. The mother of one Sivakumar (detenu) S/o Tamilselvan, who was 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 order of detention dated 06.10.2025.



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3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 29.08.2025 and he was detained on 06.10.2025. 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 (29.08.2025) and order of detention (06.10.2025), 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.756/BBCDEFGISSSV/2025 dated 06.10.2025 is set aside.

9. The detenu, viz., Sivakumar, S/o.Tamilselvan, male aged 20 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.

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(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. The Secretary to Govt.,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9
2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison
Central Prison, Puzhal,
Chennai.
4. Inspector of Police
D1 Triplicane 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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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

SSM

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