



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2759 of 2025

Rathinammal
W/o.Venkatesavaralu,
No.6/25, Arumuga Asari Street,
Triplicane,
Chennai District - 600 021.

..Petitioner(s)

Vs

1. The State of Tamilnadu Rep. by its Deputy
Secretary to Government,
Home, Prohibition and Excise Department, Fort
St.George,
Chennai - 600 009.
2. The Commissioner of Police/Detaining
Authority,
Office of the City Commissioner,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
D1 ICE HOUSE Police Station,
chennai.
4. The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore.

..Respondent(s)



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Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a writ of Habeas Corpus calling upon the production of the records relating to the detention order dated 19.06.2025 made in detention order No.378/BCDFGISSSV/2025 passed by the 2nd respondent herein and quash the same and direct the respondents to produce the body or person of the detainee Mr.Vishnu, son of Venkateswaralu, aged 25 years who has been detained in Central Prison, Cuddalore before this Hon'ble Court and set at liberty and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of this case.

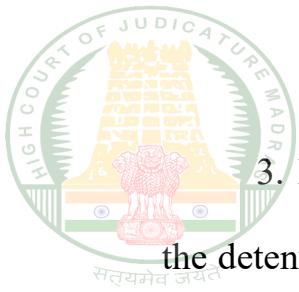
For Petitioner(s): No appearance
For Respondent(s): Mr. R. Muniyapparaj
Additional Public Prosecutor
Assisted By
Mr.M. Sylvester John

ORDER

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

Petitioner is called absent. We have heard Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel for the respondents.

2. The mother of one Vishnu (detenu) S/o Venkateshwaralu, who was detained as a Drug Offender under under Section 2(e) of the Tamil Nadu Act 14 of 1982 has approached this Court challenging the order of detention dated 19.06.2025.

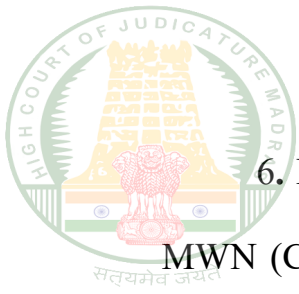


3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 16.05.2025 and he was detained on 19.06.2025. We do not find any satisfactory explanation for the delay in passing the order of detention either in the grounds of detention or in the counter affidavit filed 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), where a similar issue arose, 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*, 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.

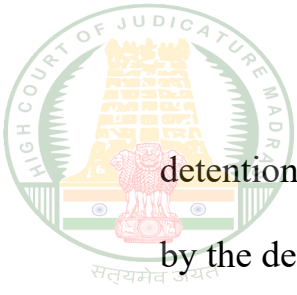


6. In yet another case i.e., in *Nagaraj Vs. State of Tamil Nadu*, ((2018) 3 MWN (Cri) 428), this Court had held that the delay of 36 days in passing the detention order after the arrest of the detenu would snap the live and proximate link between the grounds and purpose of detention. In the present case as well, the delay, of a period of 35 days, is inordinate and unexplained and for this reason, vitiates the order, rendering it liable to be quashed.

7. That apart, the detaining authority has relied upon an order dated 27.07.2023 passed in CrI.M.P.No.5272 of 2023 by the Principal Sessions Judge for cases concerning Essential Commodities and Narcotic Drugs and Psychotropic Substances Act. However, we find that bail in that case had been granted since charge sheet was not filed in time, whereas, in the present case, the bail petition filed by the detenu is pending.

8. Even otherwise, the order passed on 27.07.2023 would not come to the aid of the detenu as bail has been granted in that case on a different set of facts and circumstances. Since the detaining authority has cited the order passed on 27.07.2023 in CrI.M.P.No.5272 of 2023 in support of his subjective satisfaction, the same is now found to be vitiated and goes to the root of the matter, thus vitiating the order of detention.

9. In light of the aforesaid discussion, we are of the considered view that there is neither a proximate link between the arrest (16.05.2025) and order of



detention (19.06.2025), and nor is there any credible material brought on record by the detaining authority to substantiate his subjective satisfaction.

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10. Hence, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.378/BCDFGISSSV/2025 on 19.06.2025 is set aside.

11. The detenu, viz., Vishnu, S/o.Venkateshwaralu, male aged 25 years, who is now confined in Central Prison, Cuddalore, 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.)

17-04-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue Today.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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To

1. The State of Tamilnadu Rep. by its Deputy Secretary to Government,
Home, Prohibition and Excise Department, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police/Detaining Authority,
Office of the City Commissioner,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
D1 ICE HOUSE Police Station,
chennai.
4. The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore.
5. The Joint Secretary to Government
Public (Law and Order), Fort St.George,
Chennai – 9.
6. The Public Prosecutor, High Court, Madras.

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