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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. 2625 of 2025

Selvi
W/o.Sankar,
No. 3/11, Thiruvallur Street,
Edaiyampatti, Jolarpet,
Vellore District.

..Petitioner(s)

Vs

1. The State of Tamilnadu,
The Additional Chief Secretary to Government,
(Home),
Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Dharmapuri District,
Dharmapuri.
3. The Superintendent of Police
Dharmapuri District,
Dharmapuri.
4. The Superintendent of Prison
Central Prison,
Salem,
Salem District.
5. The Inspector of Police
PEW-Harur Police Station,

..Respondent(s)



Dharmapuri district.

Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a Writ, order or direction in the nature of a Habeas Corpus to call for the records pertaining to the order of detention passed in his proceedings in S.C.No.19/2025/C1 dated on 31.10.2025 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's Nephew by name Jagadesh S/o.Krishnan aged about 35 years before this Hon'ble Court now confined in Central Prison, Salem and set him at liberty.

For Petitioner(s): Ms.U.Yuvasanthiya
for Mr.C.Deepakkumar

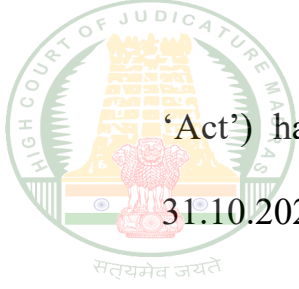
For Respondent(s): Mr. C.R.Malarvannan
Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

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

We have heard Ms.U.Yuvasanthiya, learned counsel for Mr.C.Deepakkumar, 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 aunt of one Jagadesh (detenu) S/o Krishnan, 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 31.10.2025.

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3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 24.09.2025 and he was detained on 31.10.2025. 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.”



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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, 37 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 (24.09.2025) and order of detention (31.10.2025), 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 S.C.No.19/2025/C1 dated 31.10.2025, is set aside.



9. The detenu, viz., Jagadesh, S/o.Krishnan, male aged 35 years, who is now confined in Central Prison, Salem, 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.)
30-06-2026

ssm

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry : Issue Today.

To

1. The Additional Chief Secretary to Government, (Home),
Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Dharmapuri District,
Dharmapuri.
3. The Superintendent of Police
Dharmapuri District,
Dharmapuri.
4. The Superintendent of Prison
Central Prison, Salem,
Salem District.
5. The Inspector of Police
PEW-Harur Police Station,
Dharmapuri district.
6. The Public Prosecutor,
High Court, 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.

SSM

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