



WEB COPY

HCP No. 2741 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 2741 of 2025

I.Asina
W/o.Suresh @ Jalal,
No.97, Neruppumedu,
Saidapet,
Chennai – 15.

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to
Government, Department of Prohibition and
excise (Home), Fort St George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
J-1 Saidapet, Police Station, Chennai.

..Respondent(s)

Prayer: Habeas corpus petition filed under Article 226 of Constitution of India for issuance of a WRIT or order or orders or direction particularly in the nature of WRIT OF HABEAS CORPUS to call for the records in



No.423/BCDFGISSSV/2025 DATED 30.06.2025 on the file of second respondent herein and set aside the same as illegal and produce the detenu Sundarrajan, Son of Murugadoss, aged about 22 years, who is confined at Central Prison, Puzhal, Chennai before this Honourable Court and SET HIM AT LIBERTY.

For Petitioner(s): Mr.Ilayaraja Kandasamy

For Respondent(s): Mr.R.Muniapparaj

Additional Public Prosecutor

Assisted By

Mr.M.Sylvester John

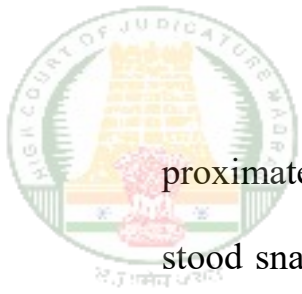
ORDER

(Order of the Court was made by Sunder Mohan J.)

The friend of the detenu - Sundarrajan, who has been branded as Drug Offender under Section 2(e) passed under the provision of Tamil Nadu Preventive Detention Act, 1982, has challenged his detention order dated 30.06.2025.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. It is seen from the impugned order and the grounds of detention that the detenu was arrested on 25.05.2025 and he was detained on 30.06.2025. Neither in the grounds of detention nor in the counter affidavit filed by the 2nd respondent, any satisfactory explanation has been given for the delay in passing the order of detention. We are of the view that in view of the delay, the live and



proximate link between grounds of detention and the purpose of detention, stood snapped. In this regard, we may rely upon the judgment of the Hon'ble Supreme Court in '**Sushanta Kumar Banik Vs. State of Tripura**', reported in '**2022 LiveLaw (SC) 813**' and the relevant paragraph 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.”

4. 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**', reported in '**2023 SCC OnLine Mad 6332**', had held that when there is an inordinate delay from the date of arrest/date of proposal till 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.



5. In yet another case i.e., in '*Nagaraj Vs. State of Tamil Nadu*', reported in '**(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. Hence, in view of the unexplained and inordinate delay in passing the order of detention, after the arrest of the detenu, the detention order in the present case, is liable to be quashed. Further, the detention order in respect of another detenu, who is the co-accused in the ground case was quashed.

6. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in No.423/BCDFGISSSV/2025, dated 30.06.2025 is hereby set aside.

7. The detenu, viz., Sundarrajan, S/o. Murugadoss, male, aged 22 years, who is now confined in Central Prison, Puzhal, Chennai, is hereby 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.)

09-04-2026

sl

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Note to Registry: Issue Today.



To

1. The Additional Chief Secretary to Government,
Department of Prohibition and excise (Home), Fort St George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
J-1 Saidapet, Police Station, Chennai.
5. The Public Prosecutor,
High Court of Madras.
6. The Joint Secretary to Government,
Public (Law and Order),
Secretariat, Fort.St.George, Chennai -9.



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AND

SUNDER MOHAN J.

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