



H.C.P.(MD)No.726 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.01.2026

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

H.C.P.(MD)No.726 of 2025

Bhavani

... Petitioner

-VS-

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secreatariat,
Chennai - 600 009.

2.The District Collector and District Magistrate
Thanjavur District, Thanjavur

3.The Superintendent
Central Prison, Tiruchirapalli

4. The Inspector of Police
Pappanadu Police Station
Trichy District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 20.05.2025 in P.D. No.24 of 2025 against the petitioner's husband, Thirukumar, Male aged 49 years S/o.Appakannu who is confined at Central Prison, Tiruchirapalli set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D. Balaji
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the wife of the detenu viz., Thirukumar, Male aged 49 years S/o.Appakannu. The detenu has been detained by the second respondent by his order in P.D. No.24 of 2025 dated 20.05.2025 holding him to be a "GOONDA", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.



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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. The learned counsel appearing for the petitioner would submit that the detainee surrendered before the District Munsif cum Judicial Magistrate, Orathandu, Thanjavur District on 17.04.2025 in pursuance to the registration of the First Information Report in Crime No.100 of 2025 on the file of the fourth respondent registered for the offence under Section 302 of IPC but the detaining authority passed the detention order only on 20.05.2025.

4. Though several grounds have been raised in the habeas corpus petition, learned counsel appearing for the



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therefore prays for dismissal of the habeas corpus petition.

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6. The detenu was arrested in the ground case as early as on 17.04.2025 and the detention order was passed on 20.05.2025. This shows an inordinate delay in passing the detention order, which is also unexplained. The live and proximate link between the arrest of the detenu and the need for passing the order of detention has snapped. Thus, on this sole ground alone, the impugned order of detention is liable to be set aside.

7. In the case of *Sushanta Kumar Banik vs. State of Tripura*, reported in *2022 SCC Online (SC) 1333*, when there was an inordinate delay from the date of proposal till passing of the detention order and likewise, between the date of actual arrest and the date of detention order, the Honourable Supreme Court has held that the live and proximate link, between the grounds and the purpose of detention, stands snapped throwing a considerable



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doubt on the genuineness of the requisite satisfaction of the detaining authority in passing the detention order unless such delay is satisfactorily explained and consequently making it invalid. The relevant portion is extracted hereunder:-

"20. 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



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on the facts and circumstances of each case."

8. In view of the above, as pointed out by the counsel for the petitioner, the delay has not been satisfactorily explained, thereby vitiating and invalidating the detention order.

9. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D. No.24 of 2025 dated 20.05.2025, passed by the second respondent is set aside. The detenu, viz., Thirukumar, Male aged 49 years S/o.Appakannu is directed to be released forthwith unless his detention is required in connection with any other case.

[G.K.I., J.] [R.P., J.]
06.01.2026

NCC :Yes/No
Index: Yes/No
Internet: Yes/No
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 - 2.The District Collector and District Magistrate
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 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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