



H.C.P.(MD)No.780 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2026

CORAM:

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

H.C.P.(MD)No.780 of 2025

Aathiraja

... Petitioner/detenu

-VS-

1.State of Tamilnadu,
Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the Respondent No.2 in No. 17/BCDFGISSSV/2025 dated 30.05.2025 and quash the same and direct



H.C.P.(MD)No.780 of 2025

the respondents to produce the detenu by name Aathiraja, son of Subramani, aged about 41 years, now detained as “Drug Offender” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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 detenu viz., Aathiraja, son of Subramani, aged about 41 years. The detenu has been detained by the second respondent by his order in No.17/BCDFGISSSV/2025, dated 30.05.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

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.



H.C.P.(MD)No.780 of 2025

WEB COPY

been caused to the detenu and therefore prays for dismissal of the habeas corpus petition.

5. Though it has been stated by the respondents that collection of details has caused the delay in passing the impugned detention order, a perusal of the grounds of the detention order passed by the detaining authority shows that the adverse cases are of the same Police Station. The detenu was surrendered in the ground case as early as on 21.03.2025 and the detention order was passed on 30.05.2025. 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.

6. 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



H.C.P.(MD)No.780 of 2025

WEB COPY

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 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



WEB COPY



H.C.P.(MD)No.780 of 2025

detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case."

7. 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.

8. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.17/BCDFGISSSV/2025, dated 30.05.2025, passed by the second respondent is set aside. The detenu, viz., Aathiraja, son of Subramani, aged about 41 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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

09.01.2026

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No

Page 6 of 8



H.C.P.(MD)No.780 of 2025

WEB COPY

To

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Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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H.C.P.(MD)No.780 of 2025

G.K. ILANTHIRAIYAN,J.
AND
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H.C.P.(MD)No.780 of 2025

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