



H.C.P(MD)No.1032 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2026

CORAM:

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

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Nallathaai Nanthini

... Petitioner/wife of detenu

Vs.

1.The State of Tamil Nadu,
Rep. by The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 9.

2.The Commissioner of Police
Madurai City
Madurai.

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

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Habeas Corpus, calling for the records of the second



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respondent detention order in NO.16/BCDFGISSV/2025 dated 21.05.2025 and quash the same as illegal and consequently direct the third respondent to produce the body or person of the detenu namely Karnan, son of Selvam aged about 28 years who is now detained at Sub Jail, Virudhunagar and set him at liberty.

For Petitioner : Mr.J.Vijayaraja

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.,Karnan, son of Selvam aged about 28 years. The detenue was detained by the second respondent by order in NO.16/BCDFGISSV/2025 dated 21.05.2025, holding him to be a “Drug Offender”, as contemplated under Section 2(e) of the 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 has raised a sole ground, namely, that there was a huge delay in passing the detention order from the date of his arrest. The detenu was arrested on 16.04.2025. Thereafter, after a period of nearly 37 days the detenu was detained by the Detaining Authority, vide detention order dated 21.05.2025.

4.On perusal of the records, it is seen that the detenu was arrested on 16.04.2025 and the detention order was passed on 21.05.2025. 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.



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5. 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 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 on the facts and circumstances of each case."



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

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in NO.16/BCDFGISSV/2025 dated 21.05.2025, passed by the second respondent is set aside. The detenu namely, Karnan, son of Selvam aged about 28 years, is directed to be released forthwith, unless his detention is required in connection with any other case. However it is made clear that if any application filed by the detenu the trial Court is directed to consider the bail application on its own merits and in accordance without being influenced by any of the observation made in this order.

[G.K.I.J.] & [R.P.J.]
07.01.2026

NCC :Yes/No
Index :Yes/No
Internet :Yes
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Viruthunagar District

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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AND

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