



H.C.P.(MD)No.1231 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2026

CORAM:

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

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Pushpakala

... Petitioner/
Mother of the Detenu

-VS-

- 1.The Secretary to Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector,
O/o. the District Collector,
Thoothukudi District.
- 3.The Commissioner of Police
AR Line Road, Koripallam,
Palayamkottai,
Tirunelveli District – 627 002.
- 4.The Superintendent,
Central Prison,
Palayamkottai Central Prison,
Tirunelveli.

... 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 entire records connected with the detention order passed in H.S.(M)Confdl.No.77/2025 dated 23.07.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu, namely, Karthick Raja, son of Kalirajan, aged about 24 years, now detained at the Central Prison, Palayamkottai, Tirunelveli and set aside the said Order of Detention and consequently, directing the second respondent herein to produce the body and person of detenu before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Vidhya Sagar

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 mother of the detenu viz., Karthick Raja, son of Kalirajan, aged about 24 years. The detenu has been detained by the second respondent by his order in H.S.(M)Confdl.No. 77/2025, dated 23.07.2025 holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said



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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.

3. The learned counsel appearing for the petitioner raised the grounds that the detenu was arrested and remanded to judicial custody on 21.06.2025 pursuant to the registration of the FIR in Cr.No.503 of 2025 for the offence under Sections 8(c) r/w 20(b)(ii)(B), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985. However, the detention order was passed only on 23.07.2025 after a period of 32 days. This inordinate delay in passing the detention order would vitiate the same. He further submitted that there is no live and proximate link between the date of arrest and the date of the detention order. Hence, on this ground, the present impugned detention order is also liable to be set aside.

4. On a perusal of the counter affidavit and also the



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submission made by the learned Additional Public Prosecutor appearing for the respondents reveals that the detenu was in illegal possession of cannabis on 21.06.2025 and the FIR has been registered in Cr.No.503 of 2025, pursuant to the registration of the FIR, the detenu was arrested and remanded to judicial custody on 21.06.2025. However, the detenu was detained under Act, 14 of 1982 only on 23.07.2025. 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.

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



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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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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

apd

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