



WEB COPY

HCP No. 89 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 12-08-2026**

CORAM

**THE HON'BLE MR JUSTICE N. SATHISH KUMAR**

**AND**

**THE HON'BLE MR.JUSTICE K.RAJASEKAR**

**HCP No. 89 of 2026**

A.Tamilselvi

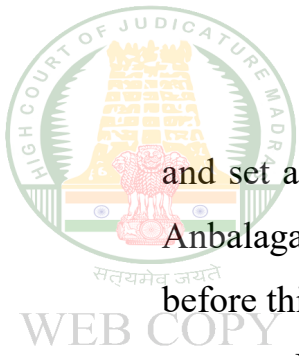
..Petitioner(s)

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 – 600009.
2. The District Magistrate and District Collector of  
Dharumapuri,  
Office of the District Magistrate and District  
Collector,  
Dharumapuri.
3. The Superintendent of Police,  
Office of the Superintendent of Police,  
Dharumapuri District.
4. The Superintendent of Prison,  
Central Prison,  
Salem.
5. The Inspector of Police,  
Indur Police Station,  
Dharumapuri District.

..Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the records in S.C.No.26/2025/C1 dated 20.12.2025 on the file of second respondent herein



and set aside the same as illegal and produce the detenu Tamilselvan, Son of Anbalagan, aged about 34 years, who is confined at Central Prison, Salem, before this Honourable court and SET HIM AT LIBERTY.

For Petitioner(s): Mr.Ilayaraja Kandasamy

For Respondent(s): MR.M.Mohamed Riyaz  
Government Advocate  
(CRIMINAL SIDE)

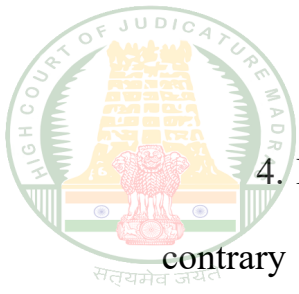
### **ORDER**

**(Order of the Court was made by N.Sathish Kumar J.)**

The order of detention passed by the second respondent in S.C.No.26/2025/C1 dated 20.12.2025 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. Though several grounds have been raised by the petitioner in the habeas corpus petition assailing the detention order, in the hearing, learned counsel for petitioner submitted that live and proximate link between the grounds of detention and purpose of detention has snapped as the detenu was arrested on 08.11.2025 but the impugned detention order has been passed on 20.12.2025.



4. Mr.M.Mohamed Riyaz, learned Government Advocate, submits to the contrary by saying that materials had to be collected /collated and time was consumed in this exercise. Considering the facts and circumstances of the case and nature of ground case, we find that this explanation of learned Government Advocate, is unacceptable.

5. In *Sushanta Kumar Banik's* case [*Sushanta Kumar Banik Vs. State of Tripura & others reported in 2022 LiveLaw (SC) 813 : 2022 SCC OnLine SC 1333*] which arose under 'Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988' [hereinafter 'PIT NDPS Act' for the sake of brevity] in Tirupura, after considering the proposal by the Sponsoring Authority and after noticing the trajectory the matter took, Hon'ble Supreme Court held that the 'live and proximate link between grounds of detention and purpose of detention snapping' point should be examined on a case to case basis. Hon'ble Supreme Court has held in *Banik* case law that this point has two facets. One facet is 'unreasonable delay' and other facet is 'unexplained delay'. We find that the this matter falls under latter facet i.e., unexplained delay. Hence, on this ground, the detention order is liable to be set aside.

6. In the result, this Habeas Corpus Petition is allowed and the detention order passed by the second respondent dated 20.12.2025 in S.C.No.26/2025/C1 is hereby set aside. The detenu viz., Tamilselvan, Son of Anbalagan, aged about



34 years, is directed to be set at liberty forthwith unless he is required in connection with any other case.

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(N.S.K.,J.) (K.R.S.,J.)  
12-08-2026

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

SLI

**Note to Office : Registry to communicate this order to Jail authorities in Central Prison, Salem forthwith.**

To

- 1.The State of Tamil Nadu, Rep. by its  
Additional Chief Secretary to Government,  
Department of prohibition and excise (Home),  
Fort St.George, Chennai – 600009.
- 2.The District Magistrate and District Collector of Dharumapuri,  
Office of the District Magistrate and District Collector,  
Dharumapuri.
- 3.The Superintendent of Police,  
Office of the Superintendent of Police,  
Dharumapuri District.
- 3.The Superintendent of Prison,  
Central Prison,  
Salem.
- 4.The Inspector of Police,  
Indur Police Station,  
Dharumapuri District.
- 5.The Public Prosecutor,  
High Court, Madras.



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**N.SATHISH KUMAR, J.  
AND  
K.RAJASEKAR, J.**

**SLI**

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