



H.C.P.Nos.2245 and 2246 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.Nos.2245 and 2246 of 2025

HCP.No.2245 of 2025:

Kala, F/A 60 years,
W/o. Thulukkanam,
Pettai Street, Navakkal,
Koovathur, Kanchipuram,
Tamil Nadu – 603 305.

.. Petitioner

VS

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.
- 3.The Superintendent of Police,
Chengalpattu District, Chengalpattu.
- 4.The Superintendent of Prison,
Central Prison, Chennai.
- 5.The Inspector of Police,
Kalapakkam Police Station,
Chengalpattu.

.. Respondents



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HCP.No.2246 of 2025:

Ilavarasi, (F/A 34 years)
W/o. Ragu,
No.4/86, Gangaiyamman Kovil Street,
Old Colony, Cuddalore,
Tamil Nadu – 603 305.

.. Petitioner

VS

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.
- 3.The Superintendent of Police,
Chengalpattu District, Chengalpattu.
- 4.The Superintendent of Prison,
Central Prison, Chennai.
- 5.The Inspector of Police,
Kalpakkam Police Station,
Chengalpattu.

.. Respondents

Prayer in HCP.No.2245 of 2025: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 01.08.2025 in CPT No.12/2025 against the petitioner's son Dhatchamoorthy, S/o. Thulukkanam, male aged 33 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.



H.C.P.Nos.2245 and 2246 of 2025

Prayer in HCP.No.2246 of 2025: Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 01.08.2025 in CPT No.11/2025 against the petitioner's husband Ragu, S/o. Sankar, male, aged 33 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

In both HCP's
For Petitioner : Mr.R.Rajadurai
for Mr.R.Mukesh Kannah

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

COMMON ORDER
(Made by SUNDER MOHAN, J.)

In HCP.No.2245 of 2026, the mother of the detenu - Dhatchanamoorthy, who has been branded as Goonda under Section 2(f) passed under the provision of Tamil Nadu Preventive Detention Act, 1982, has challenged his detention order dated 01.08.2025.

2. In HCP.No.2246 of 2026, the wife of the detenu - Ragu, who has been branded as Goonda under Section 2(f) passed under the provision of Tamil Nadu Preventive Detention Act, 1982, has challenged his detention order dated 01.08.2025.



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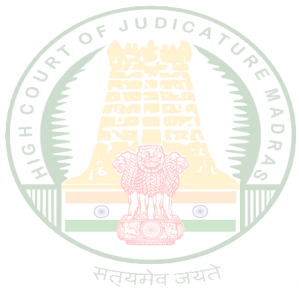
3. Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor for the respondents in both the cases.

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4. In both the HCP's, it is seen from the impugned order and the grounds of detention that the detenus were arrested on 01.07.2025 and they were detained on 01.08.2025. Neither in the grounds of detention nor in the counter affidavit filed by the 2nd respondent, any satisfactory explanation has been given for the delay in passing the order of detention. We are of the view that in view of the delay, the live and proximate link between grounds of detention and the purpose of detention, stood snapped. In this regard, we may rely upon the judgment of the Hon'ble Supreme Court in '**Sushanta Kumar Banik Vs. State of Tripura**', reported in '**2022 LiveLaw (SC) 813**' and the relevant paragraph reads as follows:

“21. 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



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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.”

5. Drawing inspiration from the judgment in ***Sushanta Kumar Banik's case***, a co-ordinate Bench of this Court in the case of '***Gomathi Vs. Principal Secretary to Government and Others***', reported in '***2023 SCC OnLine Mad 6332***', had held that when there is an inordinate delay from the date of arrest/date of proposal till the order of detention, the live and proximate link between them would also stand snapped and thereby, had quashed the detention order on this ground.

6. In yet another case i.e., in '***Nagaraj Vs. State of Tamil Nadu***', reported in '***(2018) 3 MWN (Cri) 428***', this Court had held that the delay of 36 days in passing the detention order after the arrest of the detenu would snap the live and proximate link between the grounds and purpose of detention. Hence, in view of the unexplained and inordinate delay in passing the order of detention, after the arrest of the detenus, the detention orders in the present cases, are liable to be quashed.

7. In light of the aforesaid discussion, these Habeas Corpus Petition are allowed and the Detention Orders passed by the second



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respondent in CPT No.12/2025, dated 01.08.2025 and CPT No.11/2025,
dated 01.08.2025 are set aside.

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8. The detenus, viz., Dhatchanamoorthy, S/o. Thulukkanam, aged 33 years, who is now confined in Central Prison, Puzhal, Chennai, and Ragu, S/o. Sankar, aged 33 years, who is now confined in Central Prison, Puzhal, Chennai, are hereby directed to be set at liberty forthwith unless their presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
10.04.2026

Index:Yes/No
Neutral Citation:Yes/No
sl

Note : Issue Today

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.
- 3.The Superintendent of Police,
Chengalpattu District, Chengalpattu.
- 4.The Superintendent of Prison,
Central Prison, Chennai.



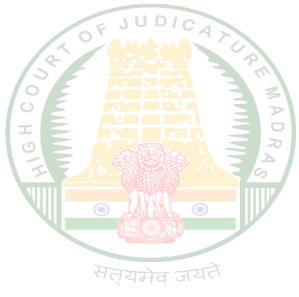
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5. The Inspector of Police,
Kalapakkam Police Station,
Chengalpattu.

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6. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

7. The Public Prosecutor,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
SUNDER MOHAN,J.

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H.C.P.Nos. 2245 and 2246 of 2025

10.04.2026