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H.C.P.No.1730 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2026

CORAM :

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

H.C.P.No. 1730 of 2025

SAIRABANU, Female aged 47 years,  
W/o. Jemesha,  
No.7/181B, Kuniyamuthur Post,  
Sugunapuram East,  
Coimbatore South,  
Coimbatore District.

.. Petitioner

VS

- 1.The Secretary to the Government,  
Home Prohibition and Excise Department,  
Secretariat, Fort St. George,  
Chennai 600 009.
- 2.The Commissioner of Police/ Detaining Authority,  
Coimbatore City,  
Coimbatore District.
- 3.The Superintendent of Prison,  
Central Prison- Coimbatore,  
Coimbatore District.
- 4.State rep. by its  
The Inspector of Police,  
D-5, Sundarapuram Police Station,  
Coimbatore District.

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India

praying to issue to writ of habeas corpus to call for the entire records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 07.08.2025 on the file of the second respondent herein made in proceedings C.No.134/G/IS/2025, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely J.Nizarudeen S/o. Jemesha, aged 29 years before this Hon'ble High Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr.D.Akash Kumar  
for Mr.W.Camyles Gandhi

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

ORDER

(Made by Dr.ANITA SUMANTH, J.)

We have heard Mr.D.Akash Kumar, for Mr.W.Camyles Gandhi, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, for the respondents.



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2.The mother of the detenu J.Nizarudeen has instituted this

petition challenging detention order dated 07.08.2025 which was proceeded by an arrest on 08.07.2025.

3.This HCP is liable to be allowed on the simple ground of the respondent not having established any live or proximate link between the date of arrest and date of detention, which is nearly a month.

4.In *Sushanta Kumar Banik Vs. State of Tripura*, reported in 2022 LiveLaw (SC) 813, the Supreme Court has settled the proposition that there must be a live and proximate link between the grounds of detention and the purpose thereof.

5.Having regard to the elapse of one month between the arrest and the detention for which no justification whatsoever has been put forth, we are of the considered view that no link has been established in the present case. The relevant paragraph of the aforesaid judgment is as follows:

*“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*



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*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.”*

6. In light of the above, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.No.134/G/IS/2025, dated 07.08.2025 is set aside.

7. The detenu, viz., J.Nizarudeen, S/o. Jemesha, aged 29 years, now confined in Central Prison, Coimbatore, is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]  
16.03.2026

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

Note to Registry : Issue Today.

To

1. The Secretary to the Government,  
Home Prohibition and Excise Department,  
Secretariat, Fort St. George,  
Chennai 600 009.
2. The Commissioner of Police/ Detaining Authority,  
Coimbatore City,  
Coimbatore District.

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3. The Superintendent of Prison,  
Central Prison- Coimbatore,  
Coimbatore District.

4. The Inspector of Police,  
D-5, Sundarapuram Police Station,  
Coimbatore District.

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

6. The Public Prosecutor,  
High Court, Madras.



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

vs

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