

Latif Hussain

Vs

The State of Jammu and Kashmir

Writ Petition No. 126 of 1970

(I. D. Dua JJ)

07.07.1970

JUDGMENT

DUA, J. -

1. Latif Hussain Malik, petitioner, forwarded his application dated March 10, 1970, from Central Jail, Jammu seeking his production in this Court for filing an application for a writ of habeas corpus. According to him, he was arrested on September 21, 1969. This application was treated as an application for writ of habeas corpus and on April 9, 1970 a rule nisi was issued.
2. According to the return the petitioner was detained on November 21, 1969 pursuant to an order dated November 6, 1969 with a view to preventing him from acting in a manner prejudicial to the security of the State. He was informed that it was against public interest to disclose to him the grounds of his detention. The State Government confirmed the order of detention on November 11, 1969.
3. The only contention raised on his behalf is that the order of confirmation by the Government was made before the petitioner's arrest and detention and that this rendered his custody illegal.
4. I am unable to sustain this contention. The order of detention was made by the District Magistrate on November 6, 1969. Under Section 3(3) of the Jammu and Kashmir Preventive Detention Act this order had to be approved by the Government within 20 days. This provision does not depend for its operation on the arrest and detention of the person ordered to be detained. Merely because the petitioner could only be arrested on November 21, 1969, did not extend the period within which the order of detention made by the District Magistrate was required by the statute to be approved by the Government in order to extend the life of the order beyond 20 days. The order of detention is not illegal and the petitioner's detention is in full accord with the procedure established by law.
5. This petition accordingly fails and is dismissed.

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