

Nepal Hait

Vs

The State of West Bengal

Writ Petition No. 264 of 1971

(J. M. Shelat, H. R. Khanna JJ)

25.01.1972

JUDGMENT

SHELAT, J. -

1. The petitioner herein was directed to be detained by an order of the District Magistrate, Howrah, passed on April 12, 1971, on his being satisfied that it was necessary to do so with a view to prevent him from acting in any manner prejudicial to the maintenance of public order, a ground upon which the West Bengal (Prevention of Violent Activities) Act (President's Act 19 of 1970), confers power to pass such an order under its Section 3(1) and (3) upon the District Magistrate.
2. In pursuance of the said order, the petitioner was arrested on May 12, 1971, and taken in detention. The grounds of detention served on the petitioner alleged that on February 5, 1971 and February 27, 1971, the petitioner along with certain other associates, armed with bombs, burnt down the club-room of Kadamtala Milan Sangha Club, and caused grievous injury to one Banti Sarkar by throwing a bomb at him. But the aforesaid acts caused alarm and terror to the residents of the locality. It is not disputed that those activities fell within the definition of the expression "acting in any manner prejudicial to the maintenance of public order" as contained in Section 3(2) of the Act. It is also not and cannot be disputed that all the steps taken by the detaining authority, required to be taken under the Act, were properly and within the time prescribed by the Act therefor were duly taken and that none of them is affected by any flaw or infirmity. It is not contended that the grounds for the petitioner's detention were either vague or indefinite since they were clearly stated and contained sufficient particulars to enable the petitioner to effectively make his representation.
3. That being the position, there is no ground urged upon which the petition can be sustained.
4. In the result the petition has to be dismissed which we hereby do.

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