

Teka Bahadur

Vs

The State of West Bengal

Writ Petition No. 231 of 1974

(K. K. Mathew, P. N. Bhagwati, N. L. Untwalia JJ)

20.12.1974

JUDGMENT

BHAGWATI, J. -

1. The District Magistrate, Burdwan by an order dated February 9, 1972 made under sub-section (1) read with sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971 directed that the petitioner be detained on the ground that with a view to preventing him from acting in a manner prejudicial to the maintenance of supplies and services essential to the community it was necessary to detain him. The grounds of detention served on the petitioner at the time of his arrest were in the following terms :

1. That on January 6, 1972 at about 03-30 hrs. you along with your associates including (1) Sankar Bouri, son of Shri Gopal Bouri of Roypara, Budha P. S. Asansol, Dist. Burdwan, (2) Ganesh Das, son of Shri Choto Das of Gour Mondal road, P. S. Asansol Dist. Burdwan committed thief in respect of electric copper wire (about 1500 feet in length) at Hatgarui, near Sen-Raleigh Water Pump, P. S. Asansol, District Burdwan. As a result of this theft, water supply as well as electric supply in Sen Raleigh Housing Colony, P. S. Asansol, District Burdwan was totally disrupted for about 8 hours to the sufferings of the people of the locality.

2. That on January 12, 1972 at about 04.00 hrs. you along with your associates including (1) Sankar Bouri, son of Shri Gopal Bouri of Roypara, Budha, P. S. Asansol, Dist. Burdwan (2) Ganesh Das son of Choto Das of Gour Mondal road, P. S. Asansol, Dist. Burdwan (about 3000 feet in length) from the electric poles at 'C' Block of Sen-Raleigh Housing Estate, P. S. Asansol, District Burdwan. When challenged by the inhabitants of the area, you and your associates hurled bombs towards them. By our act, electric supply in 'C' Block area, Sen-Raleigh Housing Estate and its adjoining areas was totally disrupted for more than 12 hours causing much inconvenience to the people of the locality.

The petitioner contended that the order of detention was made by the District Magistrate without applying his mind since in respect of the two incidents mentioned in the grounds of detention three persons were implicated, namely, the petitioner, Sankar Bouri, and Ganesh Das, while in the grounds of detention supplied to one Mohd. Subrati, who was also directed to be detained by the District Magistrate on the same day on the basis of the same two incidents the name of Sankar Bouri was omitted and the name of Mohd. Subrati was added to the names of the persons alleged to have participated in the two incidents. The argument of the petitioner was that in respect of the same two incidents there could not be one set of persons responsible in one case and another set of persons responsible in the other. This, according to the petitioner showed that the District Magistrate had

mechanically signed the order of detention without applying his mind to the facts no the case before him.

2. We do not think this contention of the petitioner has any force. The grounds of detention furnished to the petitioner in the present case alleged, in respect of both the incidents, that the persons responsible were the petitioner and his associates including Sankar Bouri and Ganesh Das. Sankar Bouri and Ganesh Das were not the only associates of the petitioner who were supposed to have participated in the two incidents. There were also others. These others could well have included Mohd. Subrati. Similarly, the grounds of detention in the case of Mohd. Subrati alleged the participation of Mohd. Subrati and his associates including the petitioner and Ganesh Das in respect of both the incidents. Here also the petitioner and Ganesh Das were not the only associates implicated in the two incidents. There were other associates also and they could well have included Sankar Bouri. There was, therefore, no inconsistency between the grounds of detention in the two cases which might warrant an inference that the District Magistrate had not applied his mind to the case of the petitioner but mechanically singed the order of detention.

3. This was the only contention urged on behalf of the petitioner - indeed no other contention was available to him - and since there is no substance in it, the petitioner fails and the rule is discharged.

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