

Ranbir Singh

Vs

T. George Joseph, District Magistrate, Meerut and Another

Writ Petition (Criminal) No. 681 of 1987

(A. P. Sen, L. M. Sharma JJ)

17.12.1987

ORDER

1. The only contention advanced in this writ petition is that there was failure on the part of the State Government to confirm the impugned order of detention passed by the District Magistrate, Meerut under Section 3(3) of the National Security Act, 1980, within a period of fifteen days as enjoined by proviso to Section 3(4) of the Act. The contention must in our opinion prevail.

2. It appears from the counter-affidavit that the impugned order of detention was passed by the District Magistrate on September 11, 1987 and it was confirmed by the State Government on October 21, 1987 that is beyond the period of fifteen days as provided by the proviso to Section 3(4) of the Act. In view of this, the impugned order of detention has already elapsed and the continued detention of the detenu, Narendra alias Babu, son of Shri Ram Nath Tyagi is illegal. We, accordingly allow the writ petition and direct the release of the detenu forthwith.

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