
(1972) 07 SC CK 0005

In the Supreme Court Of India

Case No : Writ Petition No. 104 Of 1972

Dina Bandhu Das alias Dinu

APPELLANT

Vs

The State of West Bengal

RESPONDENT

Date of Decision : 10-07-1972

Acts Referred:

Maintenance of Internal Security Act, 1971 — Section 12(1), 3(1), 3(2), 3(3), 3(4)

Citation : (1972) 4 SCC 139 : (1973) 5 UJ 161

Hon'ble Judges : K. K. Mathew, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mathew, J.—The petitioner challenges the validity of a detention order and prays for the issue of writ or order in the nature of habeas corpus and for releasing him from custody.

2. The petitioner was arrested on August 22, 1971, in pursuance of order dated August 14, 1971, passed by the District Magistrate, Hooghly, West Bengal, under the provisions of Sub-section (1) read with Sub-section (2) of Section 3 of the Maintenance of Internal Security Act, 1971 (No. 26 of 1971). The said order together with the ground of detention was served on him on the same day. The District Magistrate duly reported to the State Government about the passing of the order of detention on August 18, 1971. The State Government considered the report and approved it on August 25, 1971 u/s 3(3) of the Act and on the same day the State Government submitted a report to the Central Government in accordance with the provisions of Sub-section (4) of Section 3 of the Act together with the grounds of detention and other particulars. On September 20, 1971, the State Government placed the case of the petitioner before the Advisory Board. The Advisory Board, after consideration of the materials placed before it, submitted its report to the State Government on October 27, 1971, stating that there was sufficient cause for detention of the petitioner. The State Government, in the exercise of its power under Sub-section (1) of Section 12 of

the Act confirmed the order of detention on November 4, 1971, and it was communicated to the petitioner by its Memo dated November 6, 1971.

3. The only ground urged on behalf of the petitioner was that a representation was filed by the petitioner before the State Government but that the representation was not considered or disposed of by the Government. In para 16 of the counter-affidavit on behalf of the State Government it is specifically stated that no representation was received by the State Government. There was, therefore, no question of considering it. The procedure enjoined by the Act has been strictly complied with. I dismiss the petition.