
(2012) 09 RAJ CK 0175
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4934 of 2012

Jai Kishan and Another

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Rajasthan Prevention of Anti-social Activities Act, 2006 — Section 3(1), 3(2)

Citation : (2012) 4 WLN 151

Hon'ble Judges : R.S. Chauhan, J; Govind Mathur, J

Bench : Division Bench

Advocate : Pradeep Choudhary, for the Appellant; K.R. Bishnoi, A.G.A., for the Respondent

Final Decision : Allowed

Judgement

Govind Mathur, J.—The District Magistrate, Jalore under the order dt. 03.02.2012 while exercising powers under Sec. 3(1) of the Rajasthan Prevention of Antisocial Activities Act, 2006 (hereinafter referred to as "the Act of 2006") detained Shri Jai Kishan son of Varinga Ram, by caste Bishnoi for a period of one year. The powers under Sec. 3(1) of the Act of 2006 were exercised by the District Magistrate, Jalore on being delegated by the State Government as per Section 3(2) of the Act of 2006 under the notification dt. 20.01.2012. The notification dt. 20.01.2012 referred above has already been quashed by this Court in DB Civil Writ (Habeas Corpus) Petition No. 6123/2012 (Kishan Singh vs. State of Rajasthan & Anr), decided on 27.08.2012. In view of the fact that the notification dt. 20.01.2012 is no more in existence, the order of detention dt. 03.02.2012 has lost its foundation. As such, this petition for writ is allowed. The order dt. 03.02.2012 bearing No. Vidhi/2012/778, passed by the District Magistrate, Jalore is quashed. The respondents are directed to release petitioner Jai Kishan son of Varinga Ram forthwith, if not required to be detained in connection with any other case.