
(1999) 01 DEL CK 0074

In the Delhi High Court

Case No : Criminal Writ Petition No.24 of 1997

Mohd. Arif

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 08-01-1999

Acts Referred:

Citation : (1999) 3 AD 543 : (1999) 79 DLT 244 : (1999) 49 DRJ 736

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Mr. Naveen Malhotra, for the Appellant; Mr. Jayant Bhushan, for the Respondent

Judgement

Vijender Jain, J.—Writ petition has been filed by the petitioner aggrieved by the order of detention dated 3.10.1996, which was executed on 19.10.1996. The petitioner has already completed one year of detention as the matter was not heard in this Court.

2. Mr. Naveen Malhotra, learned counsel appearing for the petitioner, contends that the order of detention has to be quashed on the ground that the representation sent to the Minister of Finance by the petitioner was not considered either by the Finance Minister himself or by the Secretary, Ministry of Finance. He has contended that the representation was considered and disposed of by the Joint Secretary, Ministry of Finance. According to the learned counsel for the petitioner, the consideration of the representation by the Joint Secretary was illegal and on this short question alone the detention order needs to be quashed. In support of his contentions, Mr. Malhotra has cited the case of D. Rana @ Dharmesh Prill @ Dharmesh Rana Vs. UOI & Ors., Criminal Writ Petition No.17 of 1997 decided by the Division Bench of this Court on 9th January, 1997. The Division Bench held in D. Rana's case (supra) that the disposal of the representation by the Joint Secretary was without jurisdiction. He has also cited another Division Bench judgment of this Court in Ms. Li Galina & Ors. Vs. UOI & Ors. 1998 [1] JCC 6, which also took the similar view.

3. On the other hand, Mr. Jayant Bhushan, learned counsel for the respondents, has contended that while considering D. Rana's case (supra) a Division Bench of Madras High Court took a contrary view.

4. In view of the fact that the view taken in D. Rana's case (supra) by the Division Bench of this Court and thereafter another Division Bench of this Court in Ms. Li Galina & Ors.'s case (supra) I have no hesitation in following the aforesaid two authorities of this Court and to quash the detention order. I order accordingly.

5. With the aforesaid directions, petition is disposed of.