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**(2000) 04 SC CK 0019**

**In the Supreme Court Of India**

**Case No :** Writ Petitions (Crl.) No. 52 of 2000 with Nos. 53 to 56 of 2000

Rupesh Kantilal Savla

APPELLANT

Vs

State of Gujarat and Others

RESPONDENT

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**Date of Decision :** 04-04-2000

**Acts Referred:**

Constitution of India, 1950 — Article 22(5)

**Citation :** AIR 2000 SC 3407 : (2000) AIRSCW 1872 : (2000) 71 ECC 239 : (2000) 120 ELT 29 : (2000) 1 JT 540 : (2001) 9 SCC 275 : (2000) 4 Supreme 445

**Hon'ble Judges :** Shivaraj V. Patil, J;R. P. Sethi, J;G. B. Pattanaik, J

**Bench :** Full Bench

**Final Decision :** Disposed Of

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## Judgement

1. In each of these petitions, order of detention issued by the District Magistrate under Section 3 of the provisions of the Prevention of Black- marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (hereinafter referred to as "the Act") is under challenge. Since it had been averred in the writ petition itself that the Gujarat High Court is taking an unusually long period in disposing of the detention matter, and it was told to us that there is no rule prescribing a period within which an application for habeas corpus is disposed of, we entertained these petitions. Even if there is no rule, it would be meet and proper for every High Court to dispose of the habeas corpus petition as expeditiously as possible.

2. Mr Desai, the learned Senior Counsel appearing for the detenu in each of these cases raised a large number of contentions in assailing the legality of the order of detention but it is not necessary for us to delve into all those grounds. Since the matter can be disposed of on the sole ground that the representation of the detenu to the Central Government has not been disposed of with reasonable despatch, though the Central Government has filed an affidavit in these cases but no explanation has been offered. From the affidavit filed it

transpires that the Central Government has not indicated as to why the representation could not be disposed of between the dates 18th March to 1st May. Though, for the period 5th February to 18th February there is some explanation. Since the Central Government has not offered any explanation for the delay, the right of the detenu under Article 22(5) of the Constitution must be held to be infringed thereby. On the sole ground, we, therefore, set aside the impugned order of detention in each of these cases.

3. The writ petitions are disposed of.