
(1975) 01 SC CK 0002

In the Supreme Court Of India

Case No : Writ Petition No. 307 Of 1974

Samar Ali Miyan

APPELLANT

Vs

The State of West Bengal

RESPONDENT

Date of Decision : 09-01-1975

Acts Referred:

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

Citation : AIR 1975 SC 1631 : (1975) 7 UJ 165

Hon'ble Judges : P. N. Bhagwati, J;K. K. Mathew, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The petitioner challenges an order of detention dated 8th December, 1973 made by the District Magistrate, Darjeeling under sub-section(1) read with sub-section (2) of section 3 of the Maintenance of Internal Security Act, 1971. We asked Mr. O.P. Sharma, learned counsel appearing on behalf of the petitioner amicus curias as to what were the ground on which the order of detention was being challenged but he was unable to formulate any grounds. He frankly, and in our opinion rightly, conceded that the order of detention did not appear to suffer from any vice and it was not possible for him to point out any defect in the order of detention. The affidavit in reply filed by the District Magistrate showed that the formalities required by the provisions of the Act had been applied with within the prescribed time limits and the grounds of detention supplied to the petitions were clear and specific and contained the most detailed particulars in regard to the two incidents there set out and they had clear nexus with the object of detention, namely, maintenance of public order.

2. We, therefore, dismiss the petition and discharge the rule.