



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : I.A.(CrI.)/26/2024

SMTI. RUCHUNYHUNLE TEP
WIFE OF SHRI KHUKIVI AYE
PERMANENT R/O YEHEMI VILLAGE
ZUNHEBOTO, NAGALAND-798620

VERSUS

STATE OF NAGALAND AND 3 ORS
THROUGH THE CHIEF SECRETARY
NAGALAND KOHIMA

2:THE SPECIAL SECRETARY
HOME DEPT. (POLITICAL BRANCH)
NAGALAND KOHIMA

3:THE COMMISSIONER OF POLICE AND DISTRICT MAGISTRATE
DIMAPUR NAGALAND

4:THE UNION OF INDIA
THROUGH THE SECRETARY TO THR GOVT. OF INDIA
MINISTRY OF HOME AFFAIRS
GOVT. OF INDIA
NEW DELHI.
C/O DY. SECRETARY (SECRETARY)
SECURITY DIVISION 9TH FLOOR
C WING
LOK NAYAK BHAVAN
KHAN MARKET
NEW DELHI-11000

Advocate for the Petitioner : SUPONGWATI WALLING,

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 03.10.2024

[Manish Choudhury, J.]

Heard Mr. Supongwati Walling, learned counsel for the applicant-writ petitioner; Mr. V. Zhimomi, learned Public Prosecutor, Nagaland for the opposite party-respondent nos. 1, 2 & 3; and Mr. Z. Ngulli, learned Central Government Counsel [CGC] for the opposite party-respondent no. 4.

2. The applicant as the writ petitioner has preferred the accompanying writ petition, W.P.[Crl.] no. 12/2024 to challenge the legality and validity of a Detention Order dated 03.05.2024 and a Confirmation Order dated 22.05.2024 passed under the National Security Act, 1980.

3. The instant interlocutory application has been filed by the applicant-writ petitioner seeking certain amendments in the accompanying writ petition.

4. It has been averred that during the pendency of the accompanying writ petition, the Chief Secretary to the Government of Nagaland by an Order of Confirmation dated 09.08.2024 has confirmed the preventive detention of the petitioner's husband by extending his detention for another 3 [three] months. Such development has necessitated the applicant-writ petitioner to file the instant interlocutory application seeking amendment in the accompanying writ petition with the incorporation of a new paragraph as paragraph no. 5A to the following effect :-

5A. That vide impugned Confirmation Order no. CON/NSA/11/2024/95 dated 09.08.2024 passed by the Chief Secretary to the Government of Nagaland, Kohima the preventive detention of the detainee was confirmed and extended by another 3

[three] months without any lawful basis and without any application of mind; and the same deserves to be interfered with by this Hon'ble Court.

5. It has been averred that in view of the necessity to challenge the Order of Confirmation dated 09.08.2024, it is also required to seek an amendment in the prayer portion of the accompanying writ petition with the addition of the following paragraph :

As well as impugned Confirmation Order No. CON/NSA/11/2024/95 dated 09.08.2024 passed by the Chief Secretary to the Government, Kohima, before the words : along with any other consequential connected extension orders should not be quashed and set aside; and/or.

6. Mr. Walling, learned counsel for the petitioner has submitted that since the Order of Confirmation dated 09.08.2024 has been passed during the pendency of the writ petition, the petitioner be granted the leave to amend the accompanying writ petition in the afore-mentioned manner and by incorporation of the afore-mentioned paragraph and the prayer, the nature and character of the accompanying writ petition is going to be changed.

7. Mr. Zhimomi, learned Public Prosecutor, Nagaland appearing for the opposite party-respondent nos. 1, 2 & 3 and Mr. Ngulli, learned CGC appearing for the respondent no. 4 have submitted that they have not received any instruction to oppose the prayer made on behalf of the petitioner. They have submitted that the petitioner shall file an amended writ petition at the earliest so as to enable them to respond to the amendments effected in the amended writ petition.

8. Having regard to the nature of amendments sought in this interlocutory application, as alluded hereinabove, and considering the fact that by the said amendments, the nature and character of the writ petition is not going to be

changed substantively, to the prejudice of the opposite parties-respondents, the instant interlocutory application is allowed.

9. The applicant-writ petitioner shall file an amended writ petition on or before 17.10.2024.

Sd/-

JUDGE

Sd/-

JUDGE

Comparing Assistant