

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(CrL.) No. 8 of 2025

Laishram Ramesh Singh

Petitioner

Vs.

District Magistrate, Imphal East and 3 others

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

ORDER

(A. Bimol Singh, J)

22.07.2025

[1] Heard Mr. Ch. Ngongo, learned senior counsel assisted by Ms. Gangarani, learned counsel appearing for the petitioner; Mr. Th. Vashum, learned GA appearing for the respondents No. 1, 2 and 3 and Mr. W. Darakishwor, learned Sr. PCCG appearing for the respondent No.4.

[2] The present petition has been filed assailing the legality and validity of the order dated 30th April, 2025 issued by the District Magistrate, Imphal East district ordering for detaining the petitioner under the provisions of Section 3(3) of the National Security Act, 1980 (NSA for short), order dated 12.05.2025 issued by the Commissioner (Home), Government of Manipur; approving the detention order passed by the District Magistrate, Imphal East as well as the order dated 27.05.2025 issued by the Commissioner (Home), Government of Manipur confirming the order of

detention and ordering for detaining the petitioner for a period of 12 (twelve) months from the date of detention. Even though several grounds have been raised in the present writ petition, the senior counsel appearing for the petitioner canvassed only one ground in challenging the said impugned detention orders. It has been submitted on behalf of the petitioner that under cover of a letter dated 12.05.2025 from one of the counsel of the petitioner, a representation dated 12.05.2025 addressed to the Secretary, Govt. of India, Ministry of Home Affairs (Internal Security Department), North Block, New Delhi- 110001 was furnished to the Superintendent, Manipur Central Jail Sajiwa, with a request for communicating the same to the concerned authority after obtaining signature of the petitioner for their consideration.

[3] It is the case of the petitioner that even though the said representation was submitted to the Superintendent, Manipur Central Jail, Sajiwa on 12.05.2025, the authorities of the Jail Department forwarded the said representation to the Home Department, Government of Manipur under a letter dated 21.05.2025 from the Additional DGP, Prison and the same was received by the Home Department only on 22.05.2025. Thereafter, the Home Department, Government of Manipur forwarded the same to the concerned authorities of the Central Government and the authorities of the Central Government received the same only on 26.05.2025. These factums are clearly stated in the affidavit-in-opposition filed on behalf of the respondent No. 4 at para 4.(I). It is also to be put on record that Mr. Th.

Vashum, learned GA fairly submitted before this Court that on checking the relevant file of the Government, it is ascertained that the submission made by the learned senior counsel is found on record.

[4] Mr. Ch. Ngongo, the learned senior counsel submitted that the authorities took 15 (fifteen) days in forwarding the representation submitted by the petitioner to the appropriate authorities of the Government and such delay in forwarding the representation infringe the fundamental rights of the petitioner guaranteed under Article 22(5) of the Constitution of India and that on this ground alone, the impugned detention orders are liable to be quashed and set aside. In support of his contention, the learned senior counsel cited the judgment rendered by the Hon'ble Apex Court in the case of ***Aslam Ahmed Zaire Ahmed Shaik vs Union Of India and Ors.*** reported in ***AIR 1989 SCC 1403***, wherein it has been, *inter alia*, held as under :

“9. Thus when it is emphasised and re-emphasised by a series of decisions of this Court that a representation should be considered with reasonable expedition, it is imperative on the part of every authority, whether in merely transmitting or dealing with it, to discharge that obligation with all reasonable promptness and diligence without giving room for any complaint of remissness, indifference or avoidable delay because the delay, caused by slackness on the part of any authority, will ultimately result in the delay of the disposal of the representation which in turn may invalidate the order

of detention as having infringed the mandate of Art. 22(5) of the Constitution.

10. *A contention similar to one pressed before us was examined by this Court in Vijay Kumar's case (AIR 1982 SC 1023) (supra) wherein the facts were that the representation of the detenu therein dated 29-7-81 was forwarded to Government by the Superintendent of Jail on the same day by post followed by a wireless message, but according, to the Government, the representation was not received by them. Thereafter, a duplicate copy was sent by the Jail Superintendent on being requested and the same was, received by the Government on 12-8-81. Considering the time lag of 14 days in the given circumstances of that case, this Court though overlooked the same and allowed the Writ Petition on the subsequent time lag, made the following observation:*

"The Jail authority is merely a communicating channel because the representation has to reach the Government which enjoys the power of revoking the detention order. The intermediary authorities who are communicating authorities have also to move, with an amount of promptitude so that the statutory guarantee of affording earliest opportunity of making the representation and the same reaching the Government is translated into action. The corresponding obligation of the State to consider the representation cannot

be whittled down by merely saying that much time was lost in the transit. If the Government enacts a law like the present Act empowering certain authorities to make the detention order and also simultaneously makes a statutory provision of affording the earliest opportunity to the detenu to make his representation against his detention, to the Government and not the detaining authority, of necessity the State Government must gear up its own machinery to see that in these cases the representation reaches the Government as quickly as possible and it is considered by the authorities with equal promptitude. Any slackness in this behalf not properly explained would be denial of the protection conferred by the statute and would result in invalidation of the order."

11. *Reverting to the instant case, we hold that the above observation in Vijay Kumar's case will squarely be applicable to the facts herein. Indisputably the Superintendent of Central Prison of Bombay to whom the representation was handed over by the detenu on 16.6.88 for mere on-ward transmission to the Central Government has callously ignored and kept it in cold storage unattended for a period of 7 days, and as a result of that, the representation reached the Government 11 days after it was handed over to the Jail Superintendent. Why the representation was retained by the Jail Superintendent has not at all been explained in spite*

of the fact that this Court has permitted the respondent to explain the delay in this appeal, if not before the High Court.

12. *In our view, the supine indifference, slackness and callous attitude on the part of the Jail Superintendent who had unreasonably delayed in transmitting the representation as an intermediary, had ultimately caused undue delay in the disposal of the appellant's representation by the Government which received the representation 11 days after it was handed over to the Jail Superintendent by the detenu. This avoidable and unexplained delay has resulted in rendering the continued detention of the appellant illegal and constitutionally impermissible.”*

[5] After hearing the submission advanced by learned counsel appearing for the parties and in view of the candid submission made by the learned GA that it is on record that the authorities took 15 (fifteen) days in forwarding the representation submitted by the petitioner to the concerned authorities of the Central Government and that as there is no dispute with regard to the fact that the authorities took 15 (fifteen) days in forwarding the representation submitted by the petitioner, we are of the considered view that such inaction or delay in taking action by the authorities had deprived the fundamental right of the petitioner guaranteed by Article 22(5) of the Constitution of India of affording the earliest opportunity to make his representation against his detention.

[6] We have also carefully perused the judgment rendered by the Hon'ble Supreme Court of India in "***Aslam Ahmed Zahir Ahmed Shaik***" (supra) and we are of the considered view that the facts and the circumstances and the principle of law laid down therein squarely cover the issue raised in this writ petition. Accordingly, we have no hesitation to hold that the detention orders impugned in the present writ petition is vitiated by the delay in forwarding the representation submitted by the petitioner. Accordingly, we set aside the impugned detention order dated 30.04.2025, the approval order dated 12.05.2025 and confirmation order dated 27.05.2025. Consequently, we direct the authorities to release the petitioner forthwith if his continued detention is not required in connection with any other cases pending against him.

[7] With the above directions, this writ petition is disposed of.

Sushil

JUDGE

CHIEF JUSTICE