

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

**LPA No. 74/2025 in
HCP No. 126/2024**

Reserved on: 20.11.2025

Pronounced on: 27.11.2025

Uploaded on: 27.11.2025

Whether the operative part or full judgment
is pronounced: Full judgment.

Tajinder Singh @ Happy,
Age 30 years S/O Mohinder Singh R/O Ward
No. 04, Simbal Camp, Miran Sahib, Tehsil R.
S. Pura, District Jammu, Presently lodged at
Central Jail, Kot Bhalwal, Jammu, Through
his mother namely Jasvinder Kour Age 65
years

.....Appellant(s)/Petitioner(s)

Through: Mr. Jagpaul Singh, Advocate.

Vs

1. **Union Territory of Jammu and
Kashmir**
Through Commissioner cum Secretary to
the Government, Home Dept., Civil
Secretariat, Jammu.

2. **District Magistrate, Jammu**
3. **Senior Superintendent of Police,
Jammu**

4. **Superintendent Central Jail, Kot
Bhalwal, Jammu** Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG.

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

JUDGMENT

Oswal-J

1. The order of detention bearing No. PSA 18 of 2024 dated 12.04.2024 (for short 'the Order Impugned') issued by the respondent No. 2 (for short 'the

Detaining Authority') under Section 8(1) (a) of the Jammu and Kashmir Public Safety Act, 1978, was valid for a period of one year only, has already outlived its life, however, learned counsel for the appellant has insisted for disposal of this appeal on merits, as he has vehemently argued that the learned Writ Court has not at all considered the claim of the appellant in respect of delay in deciding the representation filed by the appellant.

2. Heard and perused the record.
3. Record depicts that the appellant was detained in terms of order No. PSA 18 of 2024 dated 12.04.2024 issued by the respondent No. 2 under Section 8(1) (a) of the Jammu and Kashmir Public Safety Act, 1978, as his activities were found to be prejudicial to the maintenance of public order. The appellant had raised the following grounds before the learned Writ Court for assailing the order of detention:

- i. *The detaining authority has ordered the detention casually, mechanically and without any proper application of mind to the peculiar facts and circumstances of the case.*
- ii. *The grounds of detention verbatim of the police dossier, as such, there is no application of mind by the Detaining Authority, while passing the impugned order of detention.*
- iii. *There is no subjective satisfaction arrived at by the Detaining Authority that the activities of the petitioner are prejudicial to the maintenance of public order.*
- iv. *The grounds of detention were not read over to the petitioner in the language he understands and were either illegible or incomplete and all the relevant documents were not provided to him.*
- v. *There is no material on record to establish or justify the detention of the petitioner.*

4. Before the learned Writ Court no plea in respect of delay in considering and deciding the representation was ever raised by the appellant. Strangely, the writ petition was filed on 14.09.2024 and the representation was also submitted on the same date i.e. 14.09.2024. It is contended by the appellant that this plea was raised before the learned Writ Court, but it is not forthcoming either from the pleadings or from the judgment impugned. In such view of the matter, the appellant ought to have laid a proper motion before the learned Writ Court for considering the said plea or the appellant could have filed a review petition, if that plea was not considered by the learned Writ Court.
5. Incidentally, in another appeal bearing LPA No. 229/2025 titled Jugal Kishore @ Lucky vs. UT of J&K and others, same was the situation in respect of filing of the writ petition and representation on same date, but in that case proper rejoinder was filed by the appellant and plea of delay in considering the representation was not considered by the learned writ court. In this case, as already mentioned above, no rejoinder was filed by the appellant. Accordingly, we are not inclined to entertain this new plea of the appellant.
6. In view of what has been discussed hereinabove, this instant appeal is found to be misconceived and the same is, accordingly, **dismissed**.
7. Detention record be returned back to Ms. Monika Kohli, learned Senior AAG appearing for the UT of J&K.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

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Sahil Padha

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