

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION (HABEAS CORPUS) NO.77 OF 2025

BETWEEN:

SMT. RAMA RAJU
W/O NARASIMHA RAJU
AGED ABOUT 63 YEARS
R/AT No.56/3
DOLLARS COLONY
SANJAY NAGAR
RMV EXTENSION
BENGALURU-560 094

...PETITIONER

(BY SRI. HASHMATH PASHA, SENIOR ADVOCATE FOR
SRI. KARIAPPA N.A., ADVOCATE)

AND:

- 1 . JOINT SECRETARY
COFEPOSA
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
CENTRAL ECONOMIC INTELLIGENCE BUREAU
6TH FLOOR, "B" WING
JANPATH BHAVAN, JANPATH
NEW DELHI-110 001
REPRESENTED BY ANUPAM PRAKASH
- 2 . GOVERNMENT OF INDIA
BY CENTRAL ECONOMIC INTELLIGENCE BUREAU
GOVERNMENT OF INDIA

MINISTRY OF FINANCE
 DEPARTMENT OF REVENUE
 6TH FLOOR, "B" WING
 JANPATH BHAVAN, JANPATH
 NEW DELHI-110 001
 REPRESENTED BY DIRECTOR GENERAL

3 . SENIOR SUPERINTENDENT
 CENTRAL PRISON
 PARAPPANA AGRAHARA
 BENGALURU-560 100

...RESPONDENTS

(BY SRI. KULLOOR ARVIND KAMATH, ASGI WITH
 SRI. SHANTHI BHUSHAN H., DSGI FOR R1 & R2;
 SRI. THEJESH P., HCGP FOR R3)

THIS WP(HC) IS FILED UNDER ARTICLE 226 OF
 CONSTITUTION OF INDIA, PRAYING TO (a) ISSUE A WRIT IN THE
 NATURE OF HABEAS CORPUS OR ANY OTHER APPROPRIATE
 WRIT, ORDER OR DIRECTION DECLARING THE DETENTION OF
 SRI. TARUN KONDURU RAJU S/O SRI. NARASIMHA RAJU, BY
 ORDER F.No.PD-12001/02/2025-COFEPOSA, DATED 22.04.2025
 (ANNEXURE-"A") AS ILLEGAL AND VOID ABINITIO AND ETC.

THIS WP(HC) HAVING BEEN HEARD AND RESERVED FOR
 JUDGMENT ON 01.12.2025 AND COMING ON FOR
 PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN
 J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN

and

HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This Writ Petition Habeas Corpus is filed by Smt. Rama Raju, petitioner and mother of the detainee - Shri. Tarun Konduru Raju seeking a writ of Habeas Corpus to declare the detention order dated 22.04.2025, issued under Section 3(1) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 ("COFEPOSA Act" for short), as illegal.

2. We have heard Shri. Hashmath Pasha, learned Senior Counsel as instructed by Shri Kariappa N.A. learned Advocate appearing on behalf of the petitioner and Shri. Kuloor Arvind Kamath, learned Additional Solicitor General of India along with Shri. Shanthi Bhushan H, learned Deputy Solicitor General of India appearing on behalf of respondents No.1 and 2 and Shri. Thejesh P, learned High Court Government Pleader appearing on behalf of respondent No.3.

3. The brief facts of the case are as follows:-

Smt. Harshavardhini Ranya, was intercepted on 03.03.2025 at the Green Channel at Kempegowda International Airport, Bengaluru, while attempting to exit without declaration. A personal search revealed 17 foreign-marked gold bars weighing approximately 14,200.53 grams concealed on her person. Smt. Harshavardhini Ranya was arrested on 04.03.2025. Her voluntary statements were also recorded. Further, voluntary statements recorded reveals that she was a Director in five firms including '*Vira Diamonds Trading LLC, Dubai*'. Her phone, laptop and other electronic devices were also voluntarily surrendered and subjected to examination. Customs declaration dated 06.03.2025 and 25.03.2025 in the name of *M/s.Vira Diamonds Trading LLC* for 2.8 kilograms of gold to the United States of America and 1.5 kilograms of gold to Thailand were retrieved from the laptop of Smt. Harshavardhini Ranya.

4. During the analysis of the data, the involvement of the detainee herein was noticed and the voluntary statements of Smt. Harshavardhini Ranya were also obtained

pointing to such involvement. Thereafter, the detenue's voluntary statement was recorded on 08/09.03.2025 under Section 108 of the Customs Act, 1962 ('Customs Act' for short). Further statements were recorded thereafter also on 09.03.2025, 10.03.2025 and 12.03.2025 as well. Further, a search was conducted on 11.03.2025 in the detenue's residence at Hyderabad. Thereafter, on the basis of the materials made available, the detention order dated 22.04.2025 was passed and was served on the detenue on 23.04.2025. The said order was challenged by the detenue in CrI.P.No.5432/2025 before this Court which was dismissed by order dated 26.04.2025. The grounds of detention and relied upon documents were also served to the detenue on 27.04.2025.

5. Respondent No.1 furnished the grounds of detention and the list of relied upon documents to the detenue. Respondent No.1 alleges that the detenue has engaged in activities amounting to abetment of smuggling under Section 2(39) of the Customs Act read with Section 2(e) of COFEPOSA Act, and has shown a general propensity

to assist in smuggling activities to the detriment of Government revenue and national security. It is on this basis that the preventive detention order was passed.

6. It is stated in the detention order that the detainee had business associations with Smt. Harshavardhini Ranya in Dubai, jointly engaging in a precious metals and diamond trading venture under the name "*M/s. Vira Diamonds.*" After being removed from the partnership in December 2024, the detainee continued to engage in gold dealings with her and traveled to Dubai on 03.03.2025 to collect gold for delivery to Smt. Harshavardhini Ranya.

7. It is alleged that the detainee misused his U.S. citizenship to avoid travel restrictions and assisted in earlier smuggling operations, abetting the smuggling of approximately 14.213 kilograms of gold valued at Rs.12.56 Crores, involving customs duty evasion amounting to Rs.4.83 Crores, punishable under Sections 135(1)(a)(i)(A) & (B) of the Customs Act.

8. The detainee appeared before the Directorate of Revenue Intelligence ("DRI" for short) pursuant to summons on 09.03.2025 and was arrested and remanded to DRI custody until 14.03.2025. The detainee's bail application before the Special Court for Economic Offences was dismissed on 19.03.2025 and a subsequent application before the City Civil and Sessions Court in Crl.Misc.No.2598/2025 was rejected on 07.04.2025. His further challenge in Crl.P.No.5432/2025 before the this Court was dismissed on 26.04.2025. Subsequently, by letter dated 18.06.2025, the Central Government transmitted the detainee's representation to the Advisory Board. Even after receipt of the Advisory Board's opinion dated 02.07.2025, the Central Government issued a Confirmatory Order on 16.07.2025. After hearing on 16.07.2025, the Advisory Board rejected the representation by order dated 16.07.2025.

9. Since the investigation was not completed within the statutorily prescribed period, the detainee filed an application under Section 187(3) of the Bharatiya Nagarik

Suraksha Sanhitha, 2023 which was allowed on 20.05.2025 subject to stringent conditions. Due to the subsistence of the detention order dated 22.04.2025, the detainee continues to remain in custody.

10. It is submitted by the learned senior counsel appearing for the petitioner that the respondent has wrongly accused the detainee of helping in smuggling under Section 2(39) of the Customs Act and Section 2(e) of COFEPOSA Act, and has incorrectly labelled him as a habitual offender though he had no previous record of smuggling before his arrest on 09.03.2025.

11. It is further contended that these allegations arise solely from the purported statement of a co-accused and that the detainee has been unnecessarily made a scapegoat. Further, the allegations of false Dubai customs declarations and of handling or transporting foreign-origin gold are unsubstantiated by any material.

12. It is further contended that the detaining authority relied on several Dubai Customs declarations to

conclude that large quantities of foreign-origin gold had been smuggled into India with the involvement of the detainee. However, these declarations were not included in the list of relied upon documents and were never supplied to the detainee. Since the authority treated these declarations as material evidence while the detainee was denied access to them, he was prevented from examining them. The non-supply of such crucial documents affects his ability to make an effective representation and therefore vitiates the detention order.

13. It is further submitted that the detainee was shown audio/video files through a pen drive on a laptop while in prison. The said pen drive is marked as Sl.No.51 in the relied upon documents. The contention raised by the senior counsel appearing for the petitioner is that the pen drive was corrupted and unusable, thereby, making the supply of documents incomplete.

14. It is further contended that certain relied upon documents, such as, the statement of Smt. Harshavardhini Ranya recorded on 04.03.2025 and other materials forming

part of the record, were in Kannada. The detainee does not understand Kannada. However, no translated copies were provided to the detainee. Therefore, the failure to provide translations renders the detention illegal.

15. It is also submitted that only on 11.06.2025 the detainee through Prison Authorities of Central Prison, Bangalore submitted a representation, with a request to release him from detention. However, the Prison Authorities delayed the submission of the representation to the detaining authority. The representation is said to have been placed before the Advisory Board by the detaining authority. It is contended that respondent No.1/detaining authority has not considered the said representation before forwarding it to the Advisory Board.

16. It is further contended that the Advisory Board has not called the detainee to give him a fair and reasonable opportunity of personal hearing regarding the detention order and to explain his non-involvement in the alleged offence, which is in violation of Article 22(5) of the Constitution of India. It is further contended that though

the detaining authority states that the representation preferred by the detainee was placed before the Advisory Board, the said representation is not adverted to and no order was passed on the said representation either by the detaining authority or the Advisory Board.

17. It is further contended that the detainee has not carried and brought any gold or dutiable goods to India at any time and he had no knowledge about the possession, carriage and concealment of the seized gold bars on the person of Smt. Harshavardini Ranya. It is contended that even if she had carried the seized bars till the stage of declaration before Customs Authorities of Bangalore at the Kempegowda International Airport, no offence was committed by the detainee. There is no role of detainee in Smt. Harshavardini Ranya bringing 14213.50 grams of gold bars to India on 03.03.2025 and even if she had brought and if she had declared before Customs Authorities, no offence would have constituted against her. Therefore, the allegation is of evasion of customs duty by Smt.

Harshavardini Ranya. It was her individual decision not to declare but this was not within the knowledge of detainee.

18. It is further contended that the allegation levelled against the detainee is only of abetment. In the instant case, the act of abetment to commit offence under Section 135 of Customs Act does not constitute against the detainee. When the nature of allegation against detainee is not constituting any offence under Section 135 of the Customs Act, then there cannot be a basis for passing detention order under Section 3 of the COFEPOSA Act because the requirement to pass an order of detention, there must be an act of criminal offence which was of such a propensity that if not prevented, will result in a prejudicial act to the conservation of foreign exchange. Since Smt. Harshavardini Ranya was in judicial custody, the question of abetment on the part of the detainee does not arise.

19. It is further contended that the alleged past act does not amount to abetment and there is no material showing the likelihood of commission of prejudicial acts in the future. This degree of subjective satisfaction on the part

of detaining authority is missing, therefore, the detention order is illegal and an abuse of power. To this effect reliance is placed on the case of ***Ameena Begum v. Union of India*** reported in **(2023) 9 SCC 587**. The relevant portion reads as follows:-

"28. In the circumstances of a given case, a constitutional court when called upon to test the legality of orders of preventive detention would be entitled to examine whether:

28.1. The order is based on the requisite satisfaction, albeit subjective, of the detaining authority, for, the absence of such satisfaction as to the existence of a matter of fact or law, upon which validity of the exercise of the power is predicated, would be the sine qua non for the exercise of the power not being satisfied;

28.2. In reaching such requisite satisfaction, the detaining authority has applied its mind to all relevant circumstances and the same is not based on material extraneous to the scope and purpose of the statute;

28.3. Power has been exercised for achieving the purpose for which it has been conferred, or exercised for an improper purpose, not authorised by the statute, and is therefore ultra vires;

28.4. The detaining authority has acted independently or under the dictation of another body;

28.5. The detaining authority, by reason of self-created rules of policy or in any other manner not

authorised by the governing statute, has disabled itself from applying its mind to the facts of each individual case;

28.6. The satisfaction of the detaining authority rests on materials which are of rationally probative value, and the detaining authority has given due regard to the matters as per the statutory mandate;

28.7. The satisfaction has been arrived at bearing in mind existence of a live and proximate link between the past conduct of a person and the imperative need to detain him or is based on material which is stale;

28.8. The ground(s) for reaching the requisite satisfaction is/are such which an individual, with some degree of rationality and prudence, would consider as connected with the fact and relevant to the subject-matter of the inquiry in respect whereof the satisfaction is to be reached;

28.9. The grounds on which the order of preventive detention rests are not vague but are precise, pertinent and relevant which, with sufficient clarity, inform the detenu the satisfaction for the detention, giving him the opportunity to make a suitable representation; and

28.10. The timelines, as provided under the law, have been strictly adhered to.

29. Should the Court find the exercise of power to be bad and/or to be vitiated applying any of the tests noted above, rendering the detention order vulnerable, detention which undoubtedly visits the person detained

with drastic consequences would call for being interdicted for righting the wrong."

20. It is further submitted that the Central Government through letter dated 18.06.2025, forwarded the representation of the detainee with para-wise comments, to the Advisory Board. Before this, it was incumbent upon the detaining authority and the Central Government to consider the representation of detainee independently by each of them.

21. It is contended that owing to established precedents on preventive detention, particularly that the satisfaction of the detaining authority must be based on relevant, proximate and rational material, the non-supply of relied upon documents vitiates the order, and that failure to comply strictly with the statutory requirements of Section 3(1) of COFEPOSA Act renders the detention order invalid.

22. The learned senior counsel appearing for the petitioner places reliance on the following judgments:-

- ***Smt. Gracy v. State of Kerala and Another***, reported in ***(1991) 2 SCC 1***;

- ***Vijay Kumar G. v. Commissioner of Police, Bengaluru***, by Order ***dated 20.11.2025*** passed in ***Writ Petition Habeas Corpus No.103 of 2025***;
- ***Amreen v. Commissioner of Police, Bengaluru***, by Order ***dated 23.10.2025*** passed in ***WP(HC) No.87/2025***;
- ***Smt. Jayamma v. Commissioner of Police, Bengaluru***, reported in ***ILR 2019 KAR 1543***;
- ***K.M. Abdulla Kunhi and B.L. Abdul Khader v. Union of India and Others***, reported in ***(1991) 1 SCC 476***;
- ***Mortuza Hussain Choudhary v. State of Nagaland and Others***, reported in ***2025 SCC OnLine SC 502***;
- ***Jaseela Shaji v. Union of India and Others***, reported in ***(2024) 9 SCC 53***;
- ***Pramod Singla v. Union of India and Others***, reported in ***2023 SCC OnLine SC 374***;
- ***Joyi Kitty Joseph v. Union of India and Others***, reported in ***(2025) 4 SCC 476***;
- ***Ankit Ashok Jalan v. Union of India and Others***, reported in ***(2020) 16 SCC 127***;
- ***Mr. Keneeth Jideofor v. Union of India, Ministry of Finance and Revenue and Others***, reported in ***ILR 2020 KAR 2127***;
- ***Kamleshkumar Ishwardas Patel v. Union of India and Others***, reported in ***(1995) 4 SCC 51***;

- ***Shabna Abdulla v. Union of India and Others***, reported in **2024 SCC OnLine SC 2057**;
- ***Harikisan v. State of Maharashtra and Others***, reported in **1962 SCC OnLine SC 117**;
- ***Vihaan Kumar v. State of Haryana and Others***, reported in **(2025) 5 SCC 799**;
- ***Prabir Purkayastha v. State (NCT of Delhi)***, reported in **(2024) 8 SCC 254**;
- ***Pankaj Bansal v. Union of India and Others***, reported in **(2024) 7 SCC 576**;
- ***Rajesh Gulati v. Govt. of N.C.T. of Delhi and Another***, reported in **2002 4 Crimes (SC) 86**;
- ***Gimik Piotr v. State of Tamil Nadu***, reported in **2010 85 AIC 168**;
- ***Dharaneesh Raju Shetty v. Union of India***, reported in **2018 Supreme(Del) 720**;
- ***Pooja Batra v. Union of India and Others***, reported in **(2009) 5 SCC 296**; and
- ***State of Maharashtra and Others v. Zubair Haji Qasim***, reported in **(2008) 12 SCC 792**.

23. It is therefore submitted by the learned senior counsel appearing for the petitioner that none of the alleged grounds satisfy the statutory ingredients required for preventive detention and that the entire order stands

vitiated for non-application of mind and violation of constitutional safeguards.

24. In response to the grounds raised by the petitioner, the learned ASGI raises the following contentions:-

The material gathered during investigation demonstrates the existence of a well-orchestrated, commercially motivated, transnational smuggling syndicate operated by the detenues over a sustained period. The detaining authority carefully examined the voluminous material, including statements recorded under Section 108 of the Customs Act, documents seized from the residences and business premises, forensic extraction of mobile phones, and statements of various facilitators who enabled the syndicate. On this basis, the authority recorded its subjective satisfaction that the detenues possess both the propensity and the potentiality to continue engaging in prejudicial smuggling activities unless preventively detained.

25. Section 1(2) of the Customs Act states that the Act extends to the whole of India and even to offences committed outside its territory. In the present case, a significant part of the planning, procurement and documentation was carried out in the foreign jurisdiction of Dubai. Section 2(39) of the Customs Act defines smuggling in relation to goods as any act or omission which renders such goods liable to confiscation under Sections 111 or 113 of the Customs Act. The definition is intentionally wide, covering not only physical carriers but also organizers, financiers, handlers and facilitators who orchestrate the process from behind the scenes, ensuring to capture every component of the illicit chain. Section 111(d) of the Customs Act states that any goods imported or attempted to be imported contrary to prohibition under any law are liable for confiscation. Under Rule 3 of the Baggage Rules, 2016, gold other than ornaments is prohibited as per Item 5 of Annexure I. Gold bars and biscuits are therefore prohibited goods. The deliberate and repeated import of gold bars and biscuits by the detainees falls squarely within this

prohibition. Section 135 of the Customs Act prescribes punishment for evasion of duty and related offences. It forms part of the statutory framework that marks clandestine import activities as serious offences, thereby reinforcing the preventive purpose of COFEPOSA Act. Section 3(1) of COFEPOSA Act extends to preventive detention not only to persons who directly smuggle goods, but also to those who abet, transport, conceal, keep, deal with, or harbor persons engaged in smuggling.

On the ground of non-supply of the pen drive in Sl.No.51 of the relied upon documents, the learned ASGI submitted that contents of the pen drive were shown to the detainee on a laptop on 27.04.2025 and the detainee has given an acknowledgement to that effect.

26. The learned ASGI appearing for the respondents contended that the detention order is legal and justified, having been passed after due consideration of the materials placed by the sponsoring authority. It is contended that the detaining authority arrived at the subjective satisfaction based on cogent material showing that the detainee was a

key member of a well-organised smuggling syndicate involved in bringing foreign-origin gold from Dubai into India. It is submitted that the detainee along with co-detainee, Smt. Harshavardhini Ranya, were actively and habitually involved in smuggling activities, including making false declarations before Dubai Custom Authorities and physically transporting gold into India on multiple occasions.

27. It is submitted that the investigation revealed that the detainee had made repeated trips between India and Dubai, often around the same time as his co-detainee, and played a vital role in procuring, carrying, and delivering smuggled gold. The detainee exploited his U.S. citizenship by travelling without visas to several destinations for smuggling operations.

28. It is further submitted that the material gathered clearly shows that between March 2024 and March 2025, approximately 99 kilograms of foreign-origin gold was smuggled by the syndicate, with the detainee playing a significant role. This demonstrates the detainee's potential to

continue engaging in smuggling, thereby justifying preventive detention.

29. It is submitted by the learned ASGI that the contents of the pen drive were shown to the detainee on a laptop while in custody. The prison authorities did not permit the possession of the pen drive inside jail hence, after viewing the contents of the pen drive, the detainee gave a written acknowledgement directing the Sponsoring Authority to hand over the said pen drive to his brother Shri. Varun Raju or Shri. Ravi Kumar. Accordingly, Shri. Varun Raju was given the pen drive against a signed acknowledgement dated 28.04.2025. Therefore, the ground relating to non-supply of the pen drive does not stand.

30. It is further submitted that the ground related to two Kannada pages No.1010 and 1011 of the relied upon documents is untenable because they were attached as only backing sheets to protect the main document from mutilation. The detaining authority did not rely upon these two pages while passing the order of detention. Therefore, the relied upon documents have been furnished in full.

31. It is further contended that the detainee was informed that he could make representations to the detaining authority, Central Government and the Advisory Board through the jail authorities. The representations were considered within a statutory time.

32. It is also contended that a legal distinction between punitive custody in a criminal prosecution and preventive detention under COFEPOSA Act must be made. Even if the detainee is in judicial custody or bail has been considered, preventive detention may still be required to prevent future smuggling activities. The sponsoring authority and the detaining authority are said to have followed all constitutional, statutory, and procedural safeguards, and the respondents deny all contentions of non-application of mind, non-supply of relied upon documents, or procedural lapses.

33. The learned ASGI appearing for the respondents places reliance on the following judgements:

- ***Naresh Kumar Goyal v. Union of India***, reported in **(2005) 8 SCC 276**; and

- ***State of Maharashtra and Ors v. Bhaurao Punjabrao Gawande***, reported in ***(2008) 3 SCC 613***.

34. Having considered the contentions advanced, we notice that the main contention raised by the writ petitioner is that the detinue's involvement in the repeated instances of smuggling are not even spoken of in the detention order and that he had committed no offence whatsoever under the Customs Act. However, we notice from the specific recitals in the detention order and the statement of objections filed by the ASGI that the specific involvement of the detinue in the well planned smuggling operations has been clearly adverted to and the materials relied on in support of such contentions have been made available to the detinue in the instant case. In the above view of the matter, we are of the opinion that the contention that the detinue had no involvement in any of the offences cannot be accepted and a challenge to the detention order on that ground has to essentially fail.

35. It is to be noticed that the subjective satisfaction of the detaining authority is not justiciable before the

Constitutional Courts and the necessity to keep a person under preventive detention is clearly left to the subjective satisfaction of the detaining authority. The question therefore would be whether there has been any procedural error in the detaining authority coming to the said subjective satisfaction. Though several arguments have been raised by the learned senior counsel appearing for the petitioner, no such error in the arrival at the subjective satisfaction has been pointed out in the instant writ petition. Further no instance of non-adherence to the time lines as provided in the COFEPOSA Act is pointed out. The fact that the detainee is in imprisonment and that his bail application had been dismissed is specifically noticed in the detention order. Further, the fact that he is an important participant in the smuggling syndicate and that the retention of his passport would not deter him from engaging in further smuggling activities has also been clearly recorded.

36. The further contention raised by the detainee that his representation preferred before the detaining authority has not been considered by the detaining authority, is also

not tenable in view of the fact that the representation was received by the detaining authority after passing the order of detention. The learned senior counsel appearing for the petitioner attempts to contend that since there is a power of revocation of the order of detention, the said representation should have been considered by the detaining authority. However, we notice that the power of revocation of detention orders is specifically vested with the Central Government and not with the detaining authority under Section 11 of the COFEPOSA Act.

37. Section 11 of the COFEPOSA Act, reads as follows:-

11. Revocation of detention orders.—

(1) *Without prejudice to the provisions of section 21 of the General Clauses Act, 1897 (10 of 1897), a detention order may, at any time, be revoked or modified— (a) notwithstanding that the order has been made by an officer of a State Government, by that State Government or by the Central Government;*

(b) notwithstanding that the order has been made by an officer of the Central Government or by a State Government, by the Central Government.

(2) The revocation of a detention order shall not bar the making of another detention order under section 3 against the same person."

38. We also notice that the detaining authority before whom a representation was filed after the order of detention was passed, had forwarded the representation to the Advisory Board and the representation submitted before the Central Government has been duly considered and answered by the Central Government.

39. In the above factual situation, we are of the opinion that the contentions raised by the petitioner with regard to the non-passing of an order by the detaining authority on his representation cannot vitiate the order of preventive detention.

40. Having considered the contentions advanced and the decisions relied on by either side, we are of the opinion that no good grounds have been made out to interfere with

the order of preventive detention. The writ petition fails and the same is accordingly ***dismissed***.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

cp*