

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

W.P.(Crl.) No. 2 of 2026

Smt. Takhelchangbam Thambalsana Devi, aged about 35 years, W/o Moirangthem Biramani Meitei @ Kangleipurel, a resident of Phubala Hut Dweller, P.O. & P.S. Moirang, Bishnupur District, Manipur – 795126.

Petitioner

-Versus-

1. The State of Manipur, represented by the Chief Secretary, Government of Manipur, New Civil Secretariat Building, South Block, Mantripukhri, P.O. Mantripukhri, P.S. Secretariat, Imphal East District, Manipur – 795002.
2. The Commissioner/Secretary (Home), Government of Manipur, New Civil Secretariat Building, South Block, Mantripukhri, P.O. Mantripukhri, P.S. Secretariat, Imphal East District, Manipur – 795002.
3. The District Magistrate, Bishnupur District, P.O. & P.S. Bishnupur, Bishnupur District, Manipur – 795126.
4. The Union of India, represented by the Secretary, Ministry of Home Affairs (Department of Internal Security), Central Secretariat, North Block, New Delhi – 110001.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

ORDER

(Order of the court was made by M. Sundar, CJ)

05.02.2026

[1] The writ petitioner is spouse of one Mr. Moirangthem Biramani Meitei @ Kangleipurel who is a detenu having been detained vide a preventive detention order dated 29.08.2025 made by R3 (to be noted, 'R3')

is an abbreviation for 'third respondent' and similar abbreviations will be used for other respondents).

[2] The afore-referred preventive detention order made by R3 is under the 'National Security Act, 1980 (65 of 1980)' ('NSA' for the sake of brevity). This preventive detention order has been approved and confirmed on 07.09.2025 and 26.09.2025 respectively by R2.

[3] Assailing the afore-referred preventive detention order made by R3 as well as the approval and confirmation orders, writ petitioner came to this Court earlier by way of a writ petition being W.P.(Crl.) No. 28 of 2025. After issuing notice and after full contest, W.P.(Crl.) No. 28 of 2025 was dismissed on 09.10.2025 by a Division Bench of this Court to which one of us (Chief Justice) was a party. To be noted, this order is reported in Manipur High Court neutral citation and the citation is **2025: MNHC: 198-DB**. This order of the Division Bench of this Court was carried to Hon'ble Supreme Court by the writ petitioner by way of Special Leave Petition (Crl.) No. 17942 of 2025 and this SLP was dismissed by Hon'ble Supreme Court in and vide an order dated 13.11.2025 on the ground that there is no reason to interfere with the order of this Court.

[4] In the aforesaid scenario, writ petitioner has come up with the captioned second writ petition assailing the same preventive detention order, approval and confirmation orders. To be noted, captioned WP has been filed in this Court on 04.02.2026 much after the dismissal of the SLP by Hon'ble Supreme Court on 13.11.2025.

[5] Mr. Khaidem Mani, learned senior counsel appearing on behalf of Mr. M. Rakesh, learned counsel on record for the writ petitioner is before this Court.

[6] This Court requested the learned senior counsel to address the Court on entertaining a second habeas corpus writ petition assailing the same preventive detention order, approval and confirmation orders after dismissal of earlier habeas corpus writ petition (on merits after full contest) against which SLP has been filed in the Hon'ble Supreme Court and after SLP has also been dismissed. However, learned senior counsel was adverting a memorandum of understanding (cadres for resettlement) which turns on merits and this Court notices that this point has also been raised and considered in the earlier round vide paragraph 9 (ii) of earlier order of this Court dated 09.10.2025. We refrain from delving into this as we are on a threshold point.

[7] Mr. Rakesh, learned counsel on record for the writ petitioner submitted that *Res judicata* would not operate and other new points are being urged. (though he has engaged a learned senior counsel but as this is a Habeas Corpus legal drill and as it pertains to the threshold point, we examined this point)

[8] This Court is acutely conscious of the **Kunhayammed** principle i.e., ratio laid down by Hon'ble Supreme Court in ***Kunhayammed & Ors. – versus- State Of Kerala & Anr.*** reported in **(2000) 6 SCC 359** (as explained in subsequent case laws) wherein it was *inter-alia* laid down that Article 136 is in two parts viz., pre-leave and post-leave. The principle is, a

dismissal in the pre-leave stage does not lead to doctrine of merger as it is only a refusal to grant special leave but we are not on doctrine of merger or resjudicata and we are on judicial discipline in hierarchy of courts.

[9] This Court also gave the option to learned counsel on record for writ petitioner to withdraw captioned writ petition and approach the Hon'ble Supreme Court and seek suitable orders as to entertaining a second habeas corpus petition challenging the same preventive detention order under NSA. However, this option was not exercised by the learned counsel on record for the writ petitioner.

[10] In the light of the narrative thus far, as a matter of judicial discipline and as a matter of judicial propriety in the hierarchy of courts, this Court is of the considered view that captioned WP being a second writ petition challenging the same impugned preventive detention order (post dismissal of SLP qua dismissal of earlier writ petition) should not be entertained without writ petitioner obtaining leave of Hon'ble Supreme Court.

[11] Ergo, the sequitur is, captioned WP fails to pass muster in the admission board qua the afore-referred threshold point and therefore the same is dismissed.

[12] We refrain from imposing costs.

JUDGE

CHIEF JUSTICE

FR/NFR

Sushil

P.S. I : Upload forthwith

P.S. II : All concerned will remain bound by this order as uploaded in the official website of High Court inter-alia as it is QR coded.