

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

Reserved on: 30.03.2026
Pronounced on: 31.03.2026

HCP No. 232/2025

**Irfan Ahmad Seeru @Irfan Th. His
Mother**

...Petitioner(s)

Through: Ms. Nida Nazir, Advocate

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Mr. Mohsin S. Qadiri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT

31.03.2026

- 1.** Heard learned counsel for the parties.
- 2.** Perused the respective pleadings and the documents therewith.
- 3.** The petitioner-Shri Irfan Ahmad Seeru alias Irfan, acting through his mother-Saleema, is seeking quashment of his preventive detention custody as ordered by the respondent No.2-District Magistrate, Srinagar in terms of detention order No. **DMS/PSA/19/2025**, dated **07.05.2025** passed in

exercise of power under the **J&K Public Safety Act, 1978**. The institution of the writ petition had taken place on **03.07.2025**.

4. A case for preventive detention of the petitioner was put forth by the Senior Superintendent of Police (SSP), Srinagar by virtue of his letter No. **LGL/Det/2025/14460-63** dated **30.04.2025**, accompanied by a dossier purportedly reporting the alleged state of activities of the petitioner reckoned and read to be prejudicial to the security of the State warranting preventive detention of the petitioner under the **J&K Public Safety Act, 1978**.

5. Acting upon the said dossier, the respondent No.2-District Magistrate, Srinagar purportedly formulated the grounds of detention wherefrom he came to draw purported subjective satisfaction that the petitioner's alleged state of activities are prejudicial to the security of State and, therefore, warranted issuance of a detention order which accordingly came to be issued vide order No. **DMS/PSA/19/2025** dated **07.05.2025** ordering thereby the detention and confinement of the petitioner in the District Jail, Udhampur for a period to be confirmed and settled by the Government.

6. The petitioner came to question the detention on the basis of the grounds as set out in **Para 6** of the writ petition.
7. A counter affidavit to the writ petition came to be filed on behalf of the respondents by the incumbent District Magistrate, Srinagar Mr. Akshay Labroo, IAS, on **10.11.2025** stating therein that the petitioner's preventive detention is justified on the basis of facts and circumstances of the case in order to prevent him from acting in a manner prejudicial to the security of the State and accordingly the petitioner came to be taken into custody on **11.05.0225**.
8. The counter affidavit further refers to the fact that the detention order No. **DMS/PSA/19/2025** dated **07.05.2025** came to be confirmed by the Government by virtue of Government order No. **Home/PB-V/1174 of 2025** dated **10.06.2025**.
9. When this Court makes a comparative reading of the text of the dossier as well as the grounds of detention, the absurdity of application of mind at the end of the Senior Superintendent of Police (SSP), Srinagar as well as on the part of the respondent No.2-District Magistrate, Srinagar, comes out loud and clear which absurdity lies in the fact that when a typographical

error has been copied and repeated which is by reference to word **“Petrol”** instead of writing **“Patrol”**.

10. In the dossier, the Senior Superintendent of Police (SSP), Srinagar is referring to **“Petrol book report”** at four places and same goes with the respondent No.2-District Magistrate, Srinagar in his grounds of detention verbatim writing the error.

11. It appears that the Senior Superintendent of Police (SSP), Srinagar as well as respondent No.2-District Magistrate, Srinagar have delegated the statutory power and jurisdiction under the **J&K Public Safety Act, 1978** to the clerks in their respective offices with only labour to be done at their respective end to be that of putting their respective signature, without even bothering an eyelid of reading the text of the very same document to which they are subscribing their respective signature.

12. Exercise of jurisdiction under preventive detention law in such a casual manner is repulsive to the constitutional spirit envisaged under **Article 22** of the Constitution of India and, as such, renders the preventive detention of the petitioner inherently illegal warranting to be quashed.

13. Accordingly preventive detention order No. **DMS/PSA/19/2025** dated **07.05.2025** passed by respondent No.2-District Magistrate, Srinagar read with confirmation and approval order passed at the end of the Government of Union Territory of Jammu and Kashmir is/are hereby quashed and the petitioner is directed to be restored to personal liberty forthwith by the Superintendent of the concerned Jail whichever is keeping the petitioner in detention custody.

14. Disposed of.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
31.03.2026
Shabroz

Whether the judgment is speaking Yes/No

Whether the judgment is reportable Yes/No