

THE HON'BLE THE ACTING CHIEF JUSTICE SRI DILIP B.BHOSALE,
THE HON'BLE SRI JUSTICE S.V.BHATT
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION Nos.14680, 14706 and 17671 of 2015

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ORAL ORDER: (per the Hon'ble The Acting Chief Justice Sri Dilip B.Bhosale)

The question referred to this Full Bench is “Whether a petition for a writ in the nature of *Habeas Corpus*, under Article 226 of the Constitution of India, can be entertained against the order of preventive detention passed under the provisions of Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act (Act 1 of 1986) [for short “the Act”] or any other enactment authorizing preventive detention?”

2. The question was required to be framed in view of the order dated 11th November, 2013, passed by the Division Bench presided over by Mr.Justice Kalyan Jyoti Sengupta, the then Chief Justice, in ***Sare Laxmaih Naidu vs. The Collector & District Magistrate, YSR District, Kadapa and others*** (W.P.No.32190 of 2013). The order dated 11.11.2013 reads thus:-

“This writ petition is dismissed with liberty to the petitioner to bring fresh action before the appropriate Court ventilating his grievance, as **we are of the view that going by the allegations made in this petition and the submission made by the learned counsel for the parties that the petitioner has been detained by the detention order passed by the appropriate authority, no *Habeas Corpus* writ petition can be entertained.** No order as to costs.

(emphasis supplied)

3. This Bench is informed that in view of the order dated 11.11.2013, during last about two years, no writ petitions, under Article 226 of the Constitution of India, against the order of detention passed by appropriate authority, were filed for a writ in the nature of *Habeas Corpus* and all the writ petitions, challenging such orders, were

heard by a single Judge. Our attention was also invited to Rule 14(a) of the Writ Proceedings Rules, 1977, High Court of Andhra Pradesh (for short “the Rules”), which provides that a petition for a writ in the nature of *Habeas Corpus* is required to be heard by a Bench of two Judges. In this backdrop, learned senior counsel for the petitioners and learned Advocate General, submitted that it is necessary to have an authoritative judicial pronouncement on the question. We make it clear that we have confined ourselves only to the question without entering into merits or recording any findings on merits of the case. Suffice it to say that the order of detention passed under the provisions of the Act against the petitioners is under challenge in the instant *Habeas Corpus* writ petition.

4. Though, Sri P.Venugopal, the learned Advocate General for the State of Andhra Pradesh, had raised a preliminary objection as to maintainability of the writ petition in the nature of *Habeas Corpus* in view of the order dated 11.11.2013, he fairly submitted that all throughout, (i.e. prior to the said order) writ petitions, in the nature of *Habeas Corpus*, challenging the orders of detention passed under the Act or any other law authorizing preventive detention were entertained by a Bench of two judges.

5. Mr.P.Venugopal, the learned Advocate-General for the State of Andhra Pradesh, and Mr.C.V.Mohan Reddy, the learned Senior Counsel for the detinue placed several judgments before this Bench to contend that a petition for a writ in the nature of *Habeas Corpus* only is maintainable against the order of detention passed under the Act. Though the position of law, in our opinion, is well settled, in view of the order dated 11.11.2013 in **Sare Laxmaih Naidu** (supra), we now proceed to address the question to avoid any such controversy in future.

6. The Supreme Court in **Ram Manohar Lohia v. The State of Bihar and another**^[1] dealt with the petition under Article 32 of the

Constitution of India for a writ of Habeas Corpus seeking a direction for the release of Ram Manohar Lohia from detention under an order passed by the District Magistrate of Patna. The order of detention was made under Rule 30(1) (b) of the Defence of India Rules, 1962. It was contended that the order was not in terms of the Rule under which it was made and, therefore, furnishes no legal justification for detention. On the other hand, it was contended that in view of the President Order, such as one under challenge in the said writ petition, the detenu has no right to move the Court under Article 32 for his release and, therefore, the Supreme Court should not hear the application at all. In this case, the Supreme Court after referring to its several judgments and the relevant provisions entertained the petition and set aside the order of detention. It would be relevant to reproduce the observations made by the Supreme Court in Paragraph 4 of the judgment, which read thus:-

“4. It is not in dispute that the present petition has been made for the enforcement of Dr.Lohia's right to personal liberty under Articles 21 and 22. These articles in substance-and it should suffice for the present purpose to say no more-give people a certain personal liberty. It is said by the respondent State that the President's Order under Article 359 (1) altogether prevents us from entertaining Dr.Lohia's petition and, therefore, it should be thrown out at once. This would no doubt, subject to certain exceptions to which a reference is not necessary for the purposes of the present judgment, be correct if the Order of November 3, 1962 took away all rights to personal liberty under Articles 21 and 22. But this, the Order does not do. It deprives a person of his right to move a Court for the enforcement of a right to such personal liberty only when he has been deprived of it by the Defence of India Act-it is not necessary to refer to the Ordinance any more as it has been replaced by the Act-or any rule or order made thereunder. If he has not been so deprived, the Order does not take away his right to move a Court. **Thus if a person is detained under the Preventive Detention Act, 1950, his right to move the Court for enforcement of his rights under Articles 21 and 22 remains intact.** That is not a case in which his right to do so can be said to have been taken away by the President's Order. This Court has in fact heard applications under Article 32 challenging a detention under that Act : see *Rameshwar Shaw v. District Magistrate of Burdwan*, AIR 1964 SC 334. **If any person says, as Dr.Lohia does, that he has been deprived of his personal liberty by an order not made under the Act or the Rules, there is nothing in the President's Order under Article 359 (1) to deprive him of his right to move the Court under Article 32. The Court must examine his contention and decide whether he has been detained under the Act or the Rules and can only throw out his petition when it finds that he was so detained, but not before then. If it finds that he was not so detained, it must proceed to hear his petition on its merits. The right under Art.32 is one of the fundamental rights that the Constitution has guaranteed to all persons and it cannot be taken away except by the methods as provided in the Constitution, one of which is by an order made under Art.359. The contention that an order under that article has not taken away the constitutional right to personal liberty must be examined.”**

(emphasis supplied)

7. In ***Kanu Sanyal v. District Magistrate, Darjeeling and others***^[2] the Five Judge Bench of the Supreme Court [A.N.Ray, C.J., and D.G.Palekar, Y.V.Chandrachud, P.N.Bhagwati and R.Krishna Iyer, JJ] considered the question “whether the production of the body of the person alleged to be unlawfully detained is essential before an application for a writ of *Habeas Corpus* can be finally heard and disposed of by the Court”. The Supreme Court was dealing with the petition under Article 32 of the Constitution of India. The petitioner before the Supreme Court had filed a petition for a writ of *Habeas Corpus* contending that he had been wrongfully deprived of liberty and that he should be released forthwith from his confinement. When the petition reached for hearing before the vacation Judge, the learned counsel appearing for the petitioner raised a contention that the petition cannot be heard unless the petitioner was produced before the Court in person. Division Bench of the Supreme Court had taken a view that non-production of the petitioner in an application for a writ of *Habeas Corpus* is violative of his rights under Article 32 of the Constitution and expressed that the question was required to be decided by the Constitution Bench and that is how the matter was placed before Constitution Bench. The Constitution Bench took a view that there is nothing in Article 32 which requires that the body of a person detained must be produced before an application or writ of *Habeas Corpus* can be heard and decided by the Court. In this case, the Constitution Bench, in depth, considered the origin of ‘*Habeas Corpus*’. It would be advantageous to reproduce the relevant observations made by the Supreme Court to understand what is ‘*Habeas Corpus*’ and in what circumstances a writ of *Habeas Corpus* can be issued by High Courts under Article 226 of the Constitution of India. The relevant observations read thus:

“3. The writ of habeas corpus is one of the most ancient writs known to the common law of England. It is a writ of immemorial antiquity and the first threads of its origin are, woven

deeply within the "seamless web of history" and they are concealed and perhaps untraceable among countless incidents that constitute the total historical pattern. Earl of Birkenhead described it in his speech in the *Secretary of State v. O' Brien* [(1923) AC 603] as "a writ antecedent to statute, and throwing its roots deep into the genius of our common law". **Originally, in its earliest period, during the twelfth and thirteenth centuries the writ of habeas corpus was used in mesne process and it was merely a command by the Court to some one to bring before itself the body of a person whose presence was required for the purpose of a judicial proceeding. This simple character of the writ as a special kind of summons remained unaltered till the first decades of the fourteenth century. Pursuant to the writ, parties were brought before the Court, whether such parties were free or in detention, at the time of the issuance of the writ.** When the 'body' named in the writ was delivered to the court, the duties of the Sheriff or other directed person were at an end. Until this time there was no mention in the writ of production accompanied by a statement as to the cause of detention. Indeed, in most cases, the writ was aimed at persons not in custody but at large. But obviously a writ by which a court could bring persons before it can be used for many different purposes and the genius of the English people found a way of using it for a different end. The Courts of common law started using the writ of habeas corpus for extending their jurisdiction at the expense of the rival courts. The writ of *habeas corpus cum causa* made its appearance in the early years of the fourteenth century. It not merely commanded the Sheriff to 'have the body' of the person therein mentioned like its predecessor but added the words 'with the cause of the arrest and detention'. **The person who had the custody of a prisoner was required by this writ to produce him before the Court together with the ground for the detention. The writ thus became a means of testing the legality of the detention and in this form it may be regarded as the immediate ancestor of the modern writ of habeas corpus.** The writ of *habeas corpus cum causa* was utilised by the common law courts during the fifteenth century as an accomplishment of the writs of certiorari and privilege to assert their jurisdiction against the local and franchise courts. But towards the end of the fifteenth century the machinery of the writ of *habeas corpus cum causa* was turned to a new use. The courts of common law started asserting their jurisdiction against the rival central courts such as the Chancery, the Exchequer, the Ecclesiastical courts, the Council, the Star Chamber, the admiralty and the High Commission and in this struggle for supremacy between the combatant courts, the writ of *habeas corpus cum causa* came to be a most effective weapon in the hands of the common law courts. The reason why it became so may be explained by quoting the following passage from the article of Maxwell Cohen on "*Habeas Corpus Cum Causa*" in 18 Canadian Bar Review at page 20:

"The struggle took the form of the assertion of jurisdiction on the part of combatant courts over matters as well as persons. Now the corpus cum causa was essentially a personal writ in the sense that the person of the party named was the subject matter to be had and dealt with by the court. It will at once be apparent that if the Chancery or Exchequer or the special courts could not retain control over the bodies of parties and suitors before them and, further, could not control their actions upon the determination of the suit so as to ensure execution of their judgments, their power would be seriously impaired. This was precisely what the King's Bench and Common Pleas had in mind when they issued writs of habeas corpus to applicants held under the process of some rival tribunal."

The common law courts thus used the writ of habeas corpus to protect, assert and extend their own jurisdiction against the various rival courts by securing the release of litigants and others from custody. By means of this writ they brought before themselves and released persons who had been imprisoned by one of the rival courts if, in their opinion, the Court had acted in excess of its jurisdiction. **The writ of habeas corpus, known in this form as *habeas corpus ad subjiciendum*, thus came to be a writ by which a person unlawfully imprisoned could secure his release. In this way it assumed great constitutional importance as a device for impugning the validity of arbitrary imprisonment by the executive and, as pointed out by Holdsworth in vol.I of his "History of English Law", "its position as the most efficient protector of the liberty of the subject was unquestioned after the Great Rebellion". It was for this reason that men began to assign as its direct ancestor the clauses of the Magna Carta which prohibited imprisonment without due process of law.** The history of the writ which we have given shows that there is no direct descent but there can be no doubt that there is an indirect connection between the writ and the Magna Carta, because, far more effectively than any other remedy, the writ helped to vindicate the right of freedom guaranteed by the famous words of the Magna Carta. The decision in Darnel's case((1627) 3 ST 1) was a set-back in the struggle for liberty since it eroded to some extent the effectiveness of the writ by taking the view that a return that the arrest was "by the special command of the King" was a good and sufficient return to the writ, which meant that a lawful cause of imprisonment was shown. But the Petition of Right, 1627 overruled this decision by declaring such a case of imprisonment to be unlawful. In the same way, it was enacted in the Habeas Corpus Act, 1640 abolishing the Star Chamber that any person committed or imprisoned by order of the Star Chamber or similar bodies or by the command of the King or of the Council should have his habeas corpus. There were various other defects also which were revealed in course of time and with a view to remedying those defects and making the writ more efficient as an instrument of securing the liberty of the subject unlawfully detained, reforms were introduced by the Habeas Corpus Act, 1679, and when even these reforms were found insufficient, the Habeas Corpus Act, 1816 was enacted by which the benefit of the provisions of the Habeas Corpus Act, 1679 was made available in cases of civil detention and the judges were empowered to inquire into the truth of the facts set out in the return to the writ. **The machinery of the writ was thus perfected by legislation and it became one of the most important safeguards of the liberty of the subject and, as pointed out by Lord Halsbury L.C., in *Cox v. Hakes*, ((1890) 15 AC 506) it has throughout "been jealously maintained by courts of law as a check upon the illegal usurpation of power by the executive at the cost of the liege".**

4. It will be seen from this brief history of the writ of habeas corpus that it is essentially a procedural writ. **It deals with the machinery of justice, not the substantive law. The object of the writ is to secure release of a person who is illegally restrained of his liberty. The writ is, no doubt, a command addressed to a person who is alleged to have another person unlawfully in his custody requiring him to bring the body of such person before the Court, but the production of the body of the person detained is directed in order that the circumstances of his detention may be inquired into, or to put it differently, "in order that appropriate judgment be rendered on judicial enquiry into the alleged unlawful restraint".**

(emphasis supplied)

8. The observations made by the Supreme Court recently, while dealing with the challenge to the detention order, in ***Deepak Bajaj v. State of Maharashtra and another***^[3] read thus:

“21. what the petitioner really prays for is a writ *in the nature of* certiorari to quash the impugned detention order and/or a writ in the nature of mandamus for restraining the respondents from arresting him. Hence, even if the petitioner is not in detention a writ of certiorari and/or mandamus can issued.

30. The celebrated writ of habeas corpus has been described as ‘a great constitutional privilege of the citizen’ or ‘the first security of civil liberty’. The writ provides a prompt and effective remedy against illegal detention and its purpose is to safeguard the liberty of the citizen which is a precious right not to be lightly transgressed by anyone. The imperative necessity to protect those precious rights is a lesson taught by all history and all human experience. Our founding fathers have lived through bitter years of the freedom struggle and seen an alien government trample upon the human rights of our citizens. It is for this reason that they introduced Article 21 in the Constitution and provided for the writs of habeas corpus, etc.”

(emphasis supplied)

9. The Supreme Court in ***Union of India v. Paul Manickam and another***^[4] considered the Criminal Appeal arising from the order of detention passed by the Secretary to the Government of Tamil Nadu under the provisions of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974. A *Habeas Corpus* petition was filed before the Madras High Court challenging the said detention order. The observations made by the Supreme Court while dealing with the criminal appeal are relevant for our purpose, which read thus:

“The writ of habeas corpus called by Blackstone as the great and efficacious writ in all manner of illegal confinement, really represents another aspect of due process of law. As early as 1839 it was proclaimed by Lord Denman that it had for ages been effectual to an extent never known in any other country. Lord Halsbury, L.C. stated in *Cox v. Hakes* (1890) 15 AC 506, that the right to an instant determination as to the lawfulness of an existing imprisonment is the substantial right made available by this writ”.

(emphasis supplied)

10. In ***Union of India and another v. Chaya Ghoshal and another***^[5] the legality of the judgment rendered by the Division Bench of Calcutta High Court, quashing the order of detention passed under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act in a *Habeas Corpus* writ petition under Article 226 of the Constitution of India, filed by the wife of the detenu, was under challenge. The observations made by the Supreme Court in

paragraph-14 are relevant, which read thus:

“14. Article 21 of the Constitution having declared that no person shall be deprived of life and liberty except in accordance with the procedure established by law, a machinery was definitely needed to examine the question of illegal detention with utmost promptitude. **The writ of habeas corpus is a device of this nature. Blackstone called it “the great and efficacious writ in all manner of illegal confinement”. The writ has been described as a writ of right which is grantable *ex debito justitiae*.** Though a writ of right, it is not a writ of course. The applicant must show a prima facie case of his unlawful detention. Once, however, he shows such a cause and the return is not good and sufficient, he is entitled to this writ as of right.”

(emphasis supplied)

11. In ***State of Maharashtra and others v. Bhaurao Punjabro Gawande***^[6] an appeal filed by the State against the judgment and order passed by the High Court of Judicature at Bombay (Nagpur Bench), in a *Habeas Corpus* writ petition, the order of detention, under the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980, was under consideration before the Supreme Court. The observations made by the Supreme Court in that case are relevant for our purpose, which read thus:

“41. **A writ of habeas corpus may be prayed for in case of actual detention or imprisonment of a person if it is illegal or unconstitutional.** But if a person is not actually detained, obviously a writ of habeas corpus would not lie. A question, however, may arise whether in such an eventuality, no remedy at all is available to an aggrieved person against whom an order of detention has been made and such order is still to be executed. In other words, whether actual detention of a person against whom an order of detention is made is sine qua non or condition precedent for approaching a court of law.

42. On this question, our attention has been invited by the learned counsel for both the sides to several decisions of this Court. Having gone through those decisions, **we are of the view that normally and as a general rule, an order of detention can be challenged by the detenu after such order as also the grounds of detention have been received by him and the order is executed.** In exceptional cases, however, a High Court or this Court may exercise extraordinary powers to protect a person against an illegal invasion of his right to freedom by protecting him while still he is free by issuing an appropriate writ, direction or order including a writ in the nature of mandamus questioning an order of detention and restraining the authorities from interfering with the right of liberty of an individual against whom such order is made.”

(emphasis supplied)

12. In ***Ummu Sabeena v. State of Kerala and others***^[7] the Supreme Court while dealing with the order of the High Court of Kerala rejecting a *Habeas Corpus* writ petition challenging the order of detention under the provisions of Conservation of Foreign Exchange and Prevention of Smuggling Activities Act in paragraphs 15 and 16 observed thus:

“15. In this connection, if we may say so, the writ of habeas corpus is the

oldest writ evolved by the common law of England to protect the individual liberty against its invasion in the hands of the executive or may be also at the instance of private persons. **This principle of habeas corpus has been incorporated in our constitutional law and we are of the opinion that in a democratic republic like India where Judges function under a written Constitution and which has a chapter on fundamental rights, to protect individual liberty the Judges owe a duty to safeguard the liberty not only of the citizens but also of all persons within the territory of India. The most effective way of doing the same is by way of exercise of power by the Court by issuing a writ of habeas corpus.**

16. This facet of the writ of habeas corpus makes it a writ of the highest constitutional importance being a remedy available to the lowliest citizen against the most powerful authority (see *Halsbury's Laws of England*, 4th Edn., Vol. 11, para 1454). That is why it has been said that the writ of habeas corpus is the key that unlocks the door to freedom (see *The Common Law in India*, 1960 by M.C. Setalvad, p. 38)."

(emphasis supplied)

13. In ***Ujagar Singh and another v. State of Punjab***^[8] the Supreme Court dealt with the petitions under Article 32 of the Constitution of India filed by the detenu for a writ of *Habeas Corpus* for an order of his release from detention. Similarly in ***Dr. Ram Krishan Bharadwaj v. The State of Delhi and others***^[9] a petition for the issue of a writ in the nature of *Habeas Corpus* directing the release of detenu was entertained by the Supreme Court. In ***Ram Bali Rajbhar v. State of West Bengal***^[10] the Supreme Court while dealing with a *Habeas Corpus* writ petition under Article 32 of the Constitution of India, against the detention order passed by the Commissioner of Police, Calcutta, observed that in a *Habeas Corpus* petition, what has to be considered by the Court is whether the detention is *prima facie* legal. In ***Smt. Icchu Devi Choraria v. Union of India and others***^[11] while dealing with a writ of *Habeas Corpus* challenging the continued detention under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, the Supreme Court observed that in a case of an application for a writ of *Habeas Corpus*, practice evolved by the Supreme Court is not to follow the strict rules of pleading nor place undue emphasis on the question as to on whom the burden of proof lies.

13.1 In yet another judgment of the Supreme Court in ***Abdul Latif Abdul Wahab Sheikh v. B.K. Jha and another***^[12] while dealing with criminal appeal against the order of detention the Supreme Court

observed that in a *Habeas Corpus* proceedings, it is not sufficient answer to say that the procedural requirements of consideration and the statute have been complied with before the date of hearing, and therefore, the detention should be upheld. In ***S.M.D. Kiran Pasha v. Government of Andhra Pradesh and others***^[13], before the Supreme Court, a criminal appeal arising from the judgment and order of the High Court of Andhra Pradesh at Hyderabad passed in a writ petition in the nature of *Habeas Corpus* challenging the order of detention passed under the Act was under consideration. The Supreme Court in ***T.P. Moideen Koya v. Government of Kerala and others***^[14] while dealing with a petition under Article 32 of the Constitution against the detention order passed under the provisions of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, held that if a person under detention files a writ of *Habeas Corpus* under Article 226 before the High Court and the writ petition is dismissed (whether by a detailed order after considering the case of merits or by a non-speaking order) and the said detention is not challenged but preferring a Special Leave Petition under Article 136 and is allowed to become final, it would still be open to him to file an independent petition under Article 32 seeking a writ of *Habeas Corpus*.

13.2 In ***Bhaurao Punjabro Gawande*** (*supra*) the Supreme Court after considering a question that fell for its consideration in ***S.M.D. Kiran Pasha*** (*supra*) observed that a petition filed in the High Court under Article 226 of the Constitution of India restraining the respondents from making an order of detention against him wherein a single Judge of the Andhra Pradesh High Court granted interim relief against taking the petitioner in custody, the Division Bench held that the order of detention had already been made even prior to filing of the petition, the petitioner was taken in custody, and therefore, it rendered infructuous and the petitioner should first surrender to the custody and then to move for a writ of *Habeas Corpus*. These and several other judgments, thus,

would show that not only different High Courts but even the Supreme Court entertained writ petitions in the nature of *Habeas Corpus* challenging order of detention passed under different enactments authorizing preventive detention.

14. The principle of *Habeas Corpus* has been incorporated in our Constitutional law and, therefore, to protect individual liberty a High Court owe a duty to safeguard the liberty of all the citizens by issuing a writ of *Habeas Corpus*. As observed by the Supreme Court in **Deepak Bajaj** (supra), the celebrated writ of *Habeas Corpus* is “a great constitutional privilege of the citizen” or “the first security of civil liberty”. It provides a prompt and effective remedy against illegal detention under the Act or any other enactment authorizing preventive detention. Article 21 of the Constitution provides that no person shall be deprived of life and liberty except in accordance with the procedure established by law. Therefore, to examine the question whether the detention is illegal, the writ of *Habeas Corpus* is effective and prompt remedy. This writ has also been described as the writ of right which is grantable *ex debito justitiae*. The detenu or any other person on his behalf, therefore, can file *Habeas Corpus* writ petition to show a *prima facie* case of his unlawful detention, and if he succeeds in establishing before the Court, he is entitled to the writ of *Habeas Corpus* as of right. The object of the writ of *Habeas Corpus* is to secure release of a person who is illegally restrained of his liberty. Where the detenu is not in detention, he may pray for a writ in the nature of *certiorari* to quash the impugned detention and/or writ in the nature of *mandamus* for restraining the authorities from arresting him but once he is arrested a writ of *Habeas Corpus* is the only remedy available against the illegal detention. The liberty of a citizen is a precious right, which cannot be transgressed by any one, including the detaining authorities.

15. Thus, while answering the question in the affirmative we

observe that a person in detention by virtue of the order of detention under any enactment authorizing preventive detention or is in illegal detention of any private individual has a right to approach the High Court under Article 226 of the Constitution of India in a *Habeas Corpus* petition and such a petition under Rule 14 (a) of the Rules is required to be heard by a Bench of Two Judges. Registry is directed to place the writ petitions for consideration on merits before the appropriate Division Bench.

DILIP B.BHOSALE, ACJ

S.V.BHATT, J

A.SHANKAR NARAYANA, J

Date: 26th June, 2015

Note : L.R. Copy to be marked : Yes/No

B/o.
TSNR

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- [1] AIR 1966 SC 740
 - [2] (1973) 2 SCC 674
 - [3] (2008) 16 SCC 14
 - [4] AIR 2003 SC 4622
 - [5] (2005) 10 SCC 97
 - [6] (2008) 3 SCC 613
 - [7] (2011) 10 SCC 781
 - [8] AIR 1952 SC 350
 - [9] AIR 1953 SC 318
 - [10] AIR 1975 SC 623
 - [11] AIR 1980 SC 1983
 - [12] AIR 1987 SC 725 (1)
 - [13] (1990) 1 SCC 328
 - [14] (2004) 8 SCC 106