

IN THE HIGH COURT OF MEGHALAYA

WP (Cr1.) No. 15 of 2013

Shri. Tangman N Sangma,
F/o Shri. Arthar Ch Marak, (Detenue)
R/o Thapa Dalbinggre,
P.O. Thapa Bazar, North Garo Hills District,
Meghalaya.

.....Petitioner

- Vrs -

1. The Union of India,
Through the Secretary to the Government of India,
Ministry of Home Affairs, New Delhi.
2. The State of Meghalaya through
The Secretary to the Government of Meghalaya,
Home & Political Department,
Shillong.
3. The Commissioner & Secretary to the
Government of Meghalaya,
Political Department, Shillong.
4. The District Magistrate,
North Garo Hills District,
Resubelpara
5. The Superintendent, District Jail,
East Garo Hills District, Williamnagar,
Meghalaya.

..... Respondents

BEFORE THE HON'BLE MR JUSTICE SR SEN

Advocate for the Petitioner	:	Mr H Abraham
Advocates for the Respondents	:	Mr. K Khan Mr. KP Bhattacharjee
Date of Hearing	:	29.05.2014
Date of Judgment and Order	:	29.05.2014

JUDGMENT AND ORDER (Oral)

This instant writ petition is directed against the impugned Detention Order dated 9.09.13 as well as the Grounds of Detention dated 9.09.13.

2. This petitioner's case in nut shell is that, "on 1.08.13, the detenue namely; Shri. Arthar Ch Marak was arrested and implicated in Mendipathar P.S. Case No. 42 (5) of 2013 and Mendipathar P.S. Case No. 51 (6) of 2013 and

was booked under MPDA vide impugned Detention Order dated 9.09.13 and Grounds of Detention dated 9.09.13 and presently lodged at District Jail Williamnagar.

3. Mr. H Abraham, the learned counsel appeared for on behalf of the petitioner submits that, in this instant case from the Grounds of Detention it appears that the detainee namely; Mr. Shri. Arthar Ch Marak S/o Shri. Tangman N Sangma of Thapa Dalbinggre, North Garo Hills District has been detained without any sufficient grounds. The learned counsel further contended that he was not supplied with the statement of witness, MPDA Act, Gazetted Notification as well as Seizure List, as such; he could not prepare an effective representation. Hence this instant petition before this Court.

4. On the other hand, Mr. K Khan, the learned counsel appeared for on behalf of the respondent submits that, in this instant case statutory provision as prescribed under The Meghalaya Preventive Detention Act, 1995 has been complied with in letter in spirit, so there is no scope to interfere with the Detention Order.

5. I have perused the impugned Detention Order as well as the Grounds of Detention which are at Annexures-1 and Annexure-2 respectively.

6. On perusal of the impugned Detention Order as well as the Grounds of Detention, I find that there are sufficient reasons to place the detainee under detention under MPDA Act, 1995.

7. Further, on perusal of the Grounds of Detention, it is also clear that the detainee has been informed about his right to make a representation before the District Magistrate as well as before the Principal Secretary, Political Department, Government of Meghalaya. I have also seen the Confirmation of Detention dated 5.11.13 issued in the name of the Governor of Meghalaya which is at Annexure-3. I have also perused the Representation dated 19.10.13 which is at Annexure-4.

8. After perusal of all the documents referred to above, I find that there was no violation of the MDPA Act, 1995 while detaining the detainee. Besides that, it also appears from the letter dated 4.12.13 from the Under

Secretary to the Government of Meghalaya, Political Department addressed to the detinue that, his Representation could not be considered as there was no sufficient grounds to justify revocation of the Detention Order. Further, I do not agree with the submissions advanced by the learned counsel for the petitioner that, non supply of statement of witness, MPDA Act, Gazetted Notification as well as Seizure List has barred him for filling an effective Representation or caused prejudice.

9. After going through the above Annexures referred to above and after considering the submissions advanced by the learned counsel for the parties taking into consideration the Provision of Article 22(5) of the Constitution of India as well as Section-8 of the MPDA Act, 1995 and other relevant Provisions, I find that there is nothing wrong on the part of the detaining authority. Therefore, I do not find any scope to interfere with the impugned Detention Order as well as the Grounds of Detention, hence, this instant petition is dismissed and the matter stands disposed of.

10. No order as to cost.

JUDGE

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