

Narinder Singh Suri vs Union Of India (Uoi) And Ors. on 1 February, 1980

Equivalent citations: AIR1980SC945, 1980CRILJ683, (1980)2SCC357, 1980(12)UJ505(SC), AIR 1980 SUPREME COURT 945, 1980 (2) SCC 357, (1980) ALLCRIC 256, 1980 UJ(SC) 505, 1980 SCC (CRI) 455

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Bench: A.D. Koshal, P.S. Kailasam, S. Murtaza Fazal Ali

JUDGMENT

S. Murtaza Fazal Ali, J.

1. This Writ Petition has been filed by Narinder Singh Suri against an order of his detention passed by the Deputy Secretary (Home), Delhi Administration, dated 7th September, 1979 which was served on the 10th September 1979. It is not necessary to go into any further detail because the petition must succeed on a short point. Mr. Sen appearing for the petitioner submitted that although the petitioner demanded copies of various documents on 18th September, 1979 he was not provided with them until 4th October, 1979. Mr. Aggarwal appearing for the Union submitted that the delay was due to the fact that a lot of photostat copies of the documents demanded by the petitioner had to be prepared which took some time & that even the petitioner did not seriously protest against this delay. Assuming that this delay is excusable, there is another ground to which the respondent has no answer. The representation by the petitioner was made to the detaining authority on 5th October, 1979 and was received by the latter on 10th October, 1979. According to respondent the representation was rejected on 30th October, 1979 though this fact was communicated to the detenu a few days later. Even so, the delay from 10th October, 1979 to 29th October, 1979 remains wholly unexplained. In this view of the matter, the contained detention of the petitioner is clearly violative of Article 22(5) of the Constitution of India and, therefore, the petitioner is entitled to be released forthwith. Accordingly, we allow this petition and direct the detenu to be released forthwith unless he is in custody in some other case.