

Supreme Court of India

Manilal Chatterjee Alias Sudip vs State Of West Bengal on 17 July, 1972

Equivalent citations: AIR 1973 SC 1280, (1972) 3 SCC 836, 1973 (5) UJ 162 SC

Author: J Shelat

Bench: H Khanna, I.D.Dua, J Shelat

ORDER J.M. Shelat, J.

1. This is a petition under Article 32 of the Constitution for a writ of habeas corpus. The impugned order of detention was passed in this case on July 19, 1971 by the District Magistrate, 24 Parganas under Sub-section 1 read with Sub-section 3 of Section 3 of the West Bengal (Prevention of Violent Activities) Act, 1970. In pursuance of that order the detenu was arrested on 21-7-1971 and the grounds of detention were served on him. It appears from the counter-affidavit filed by the State Government that all the consequential steps required under the Act were duly taken within the prescribed periods. It was, therefore, not possible for Mr. D. Goburdhan, counsel for the petitioner, appearing amicus curiae, to point out any legal infirmity either in the impugned order or the consequential steps taken by the Government thereafter. Mr. Goburdhan, on the contrary, frankly conceded before us that in these circumstances it was not possible for him to attack the validity of the order upon any legal ground. That being so it is obvious that there is no justifiable reason for interfering with that order or the detention of the petitioner hereunder. In any event the period of the petitioner's detention will be over on July 20, 1972 and the State Government will then be bound to release him from the detention. The petition fails and is, therefore, dismissed.