Brijendra Singh Yadav vs State Of U.P. And 4 Others on 17 July, 2019

Equivalent citations: AIRONLINE 2019 ALL 1230, 2020 (1) ALJ 158

Bench: Pritinker Diwaker, Raj Beer Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD

Reserved on 30.05.2019

Delivered on 17.07.2019

Case :- HABEAS CORPUS WRIT PETITION No. - 22 of 2019

Petitioner :- Brijendra Singh Yadav

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ram Autar Verma

Counsel for Respondent :- G.A.,Jitendra Prasad Mishra

Hon'ble Pritinker Diwaker, J.

Hon'ble Raj Beer Singh,J.

1. By this writ petition under Article 226 of the Constitution, petitioner-Brijender Singh Yadav prays for issuance of writ, order or direction in the nature of habeas corpus, challenging validity and constitutionality of impugned detention order dated 16.10.2018 passed by District Magistrate, Varanasi/Respondent No. 4 (hereinafter referred to as 'the detaining authority') under Sub-Section 2 of Section 3 of the National Security Act, 1980 (for short 'the NSA') on being satisfied that the petitioner's detention was necessary with a view to preventing him from acting in any manner prejudicial to the maintenance of public order, as well as confirmation order dated 29.11.2018 passed by the Under Secretary, Home (Confidential) Department, Government of U.P., Lucknow (Respondent No. 3). Petitioner has also prayed for direction to the respondents to set the petitioner at liberty and to pay compensation to him.

2. The order of detention along with the grounds of detention was served on the petitioner on 16.10.18. Against the said order, the petitioner made a representation dated 29.10.18 to the Secretary, Department of Home and another representation to the Advisory Board constituted under Section 9 of the NSA. The case of the petitioner, along with his representation was placed before the Advisory Board, who opined that there was sufficient cause for the detention of the petitioner. Accordingly, in exercise of powers conferred by Section 12(1) of the NSA, the State Government confirmed the aforesaid order of detention and directed that the petitioner be detained for a period of three months from the date of his detention vide order dated 29.11.18.

3. According to the grounds of detention, the activities of petitioner were prejudicial to the maintenance of public order and have disturbed the normalcy of the society. An FIR was lodged against him on 05.10.2018 vide Case Crime No. 1065 of 2018, under Sections 353, 505 (1)(b) of IPC, 3 & 4 of the Police (Incitement of Disaffection) Act, 1922 and 66 (D) of the Information Technology Act, 2000, at Police Station Cantt., District Varanasi. While petitioner was in jail in that case, on 12.10.2018, the In charge of Police Station Cantt., Varanasi sent a report to the Senior Superintendent of Police, Varanasi alleging that petitioner is indisciplined and a person of abettor tendency and he was even dismissed from police department for his misdeeds. He used to incite disciplined UP police force against gazetted officers posted in police. Petitioner has formed a Non-Gazetted Police Welfare Association as 'Rakshak Kalyan Trust' and he claims to be leader of police personnels posing himself as President of alleged organisation. On 04.10.2018, he had aired his interview on news channel 'Rakshak Kalyan News Channel', wherein he exhorted police personnels to mark their protest by wearing black ribbons and to proceed on mess-strike and uttered that thereafter such a tremendous agitation would be launched, that history will testify the same. It was further alleged that petitioner has incited the police personnels of entire State, against the Government established in accordance with the Constitution of India, and if police personnels fell victim to his incitement, the same would affect essential services of the State Government. A reference was also made to an incident of 05.10.2018, wherein petitioner has addressed the police personnels on the main gate of Collectorate, Varanasi, while an order under Section 144 Cr.P.C. was in force and he exhorted that legal rights of police personnels have been violated by sending police personnels to Jail in Vivek Tiwari Murder Case of Lucknow. It was further stated that petitioner was inciting police personnels against police officers by sending messages to them through mobile phone to mark their protest by wearing black ribbons and thereafter to observe mess strike by boycotting food of mess. The petitioner was also exhorting police personnels not to attend phone calls of officers while the employees present in the said gathering were also showing their agreement and solidarity with his views. It was alleged that there is grave apprehension of disturbance of public order due to inflammatory speech delivered by the petitioner and that public persons standing nearby were saying that if such a situation arises, it will be difficult for them to live in the society as criminals will start to roam freely in the society. Due to the above stated facts, petitioner was also challaned under Section 151 Cr.P.C. and an FIR was lodged against him vide Case Crime No. 1065 of 2018, under Sections 353, 505 (1)(b) of IPC, 3 & 4 of the Police (Incitement of Disaffection) Act, 1922 and 66 (D) of the Information Technology (Amendment) Act, 2000, Police Station Cantt., District Varanasi. It was further alleged that incident dated 5.10.2018 was reported in newspapers and due to incitation of the petitioner, police personnels of different States have indulged in showing their protest by wearing black ribbons, which has gone viral on social media. If petitioner is released

on bail, he will certainly cause serious agitation leading to disturbance of public order. In view of the above facts and the feedback received through local intelligence unit, there was grave apprehension of disturbance of public order. Petitioner Brijendra Singh Yadav has filed an application for bail and there is every likelihood that after being released on bail, he will again indulge in similar activities. It was further stated that earlier petitioner has incited police personnels in the area of police station Civil Lines, Allahabad and in that regard a case was also registered against him vide Crime No. 65/11 under Section 353 IPC and 3(2)4 of Police Forces (Restriction of Rights) Act, 1966. It was stated that all these facts testify that activities of petitioner are against maintenance of public order. Presently he is detained in District Jail, Varanasi in Case Crime No. 1065 of 2018 and his bail application is pending in the court of the District Judge, Varanasi and that after his release on bail, he will disturb the public order by inciting the police personnels. Hence, detention of the petitioner under NSA is necessary.

4. On the basis of the above stated report of police station Cantt. District Varanasi, the Assistant Superintendent of Police/Circle Officer, Cantt., District Varanasi, Superintendent of Police (city), Varanasi and Senior Superintendent of Police, Varanasi have also sent similar reports. On the basis of the material placed before him, briefly referred to above, the detaining authority came to the conclusion that petitioner's activities are prejudicial to the maintenance of public order and his activities have disturbed the normalcy of the society. Thus, keeping in view his criminal record and activities, the detaining authority felt satisfied that there was every apprehension/imminent possibility that just after his release from jail he will again indulge in such type of activities which will adversely affect the maintenance of the public order and, therefore, to prevent him from further committing similar criminal activities, prejudicial to the maintenance of public order, it had become necessary to detain him with immediate effect under Section 3(2) of the NSA. Hence the detaining authority passed impugned order dated 16.10.2018 for detaining the petitioner under Section 3(2) of NSA. The Detaining authority communicated the grounds of detention to petitioner on 16.10.2018. On 29.10.2018, petitioner has sent a representation to the Secretary, Department of Home, Government of U.P., Lucknow and another representation of same date to U.P. Advisory Board, Lucknow. On the report of U.P. Advisory Board under Section 11 of NSA, the State Government has passed impugned order dated 29.11.2018 under Section 12(1) of NSA confirming the detention of the petitioner under Section 3(3) of NSA initially for a period of three months from 16.10.2018.

5. We have heard Sri Ram Autar Verma, learned counsel for the petitioner, Sri Jitendra Prasad Mishra, learned counsel for Union of India/respondent no. 1 and Sri Amit Sinha, learned A.G.A. for the State. We have also gone through record, including counter-affidavits of respondents and re-joinder of petitioner.

6. The petitioner has challenged the impugned orders on the following grounds:

> (i) Because the impugned orders dated 16.10.2018 (Annexure No. 1) and 29.11.2018 (Annexure No. 2) passed by the District Magistrate, District Varanasi/Respondent No. 4 and the Under Secretary, Home (Confidential) Department, Government of U.P., Lucknow/Respondent No. 3 respectively are wholly arbitrary and illegal hence the same cannot be sustained under law and the same are liable to be quashed by this

Court.

(ii) Because the petitioner has been illegally detained by misusing the provisions of the NSA on the basis of unfounded apprehension that if the detenu was released on bail, he would again carry on criminal activities in the area hence the same cannot be sustained under law and is liable to be quashed by this Court.

(iii) Because while passing the impugned orders dated 16.10.2018 (Annexure No. 1) and 29.11.2018 (Annexure No. 2), the District Magistrate, District Varanasi/Respondent No. 4 and the Under Secretary, Home (Confidential) Department, Government of U.P., Lucknow/Respondent No. 3 respectively failed to appreciate that petitioner cannot be detained merely on the basis of bald statements contained in the police reports without there being cogent materials for supporting the same.

(iv) Because the respondents were not justified under law in detaining the petitioner merely on the basis of the FIR dated 5.10.2018 (Annexure No. 3) and taking into account the previous activities of the petitioner of the year, 2011 i.e. lodging of the Case Crime No. 65/11 under Section 353 IPC and 3(2)4 of Police Forces (Restriction of Rights) Act, 1966 against him at the Police Station Civil Lines, Allahabad.

(v) Because otherwise also the impugned orders dated 16.10.2018 (Annexure No. 1) and 29.11.2018 (Annexure No. 2) passed by the District Magistrate, District Varanasi/ Respondent No. 4 and the Under Secretary, Home (Confidential) Department, Government of U.P., Lucknow/Respondent No. 3 respectively suffer from illegality and material irregularity, there is mistake on the case of record hence the same are liable to be interfered with and quashed by this Hon'ble Court.

7. The respondents have filed counter affidavits, wherein they have denied the points raised by the petitioner and reiterated their claim that the activities of the petitioner were prejudicial to the maintenance of public order, his activities have disturbed the normalcy of the society and that there was every possibility that just after his release from jail he will again indulge in such type of activities which will adversely affect the maintenance of the public order and, therefore, to prevent him from further committing similar criminal activities, prejudicial to the maintenance of public order, the impugned orders were justified.

8. It is strenuously urged by learned counsel for the petitioner that the impugned orders are wholly arbitrary and the petitioner has been illegally detained by misusing the provisions of the NSA on the basis of unfounded apprehension that if the detenu was released on bail, he would again carry on criminal activities in the area. Except the alleged two criminal cases, there was no criminal record of the petitioner and petitioner did not indulge in any such activity, which may form the basis for the satisfaction of the detaining authority to come to the conclusion that he is likely to disturb the public order. At the best it could be a matter of law and order and not disturbance of 'public order'. The reliance on the alleged criminal case is misplaced. In nutshell, the case of the petitioner is that there

was absolutely no cogent material before the detaining authority to form the requisite belief that the petitioner was indulging in criminal activities which were prejudicial to the maintenance of public order and unless prevented, he would indulge in similar activities in future. Learned counsel has also contented that even if the allegations/instances, relied upon by the detaining authority, are taken on their face value, still, at best, these may tantamount to "law and order" problem and by no stretch of imagination can be construed as activities prejudicial to the maintenance of "public order," within the meaning of Sub-Section (2) of Section 3 of the NSA. It is alleged that the detention order against the petitioner has been passed only with a view to frustrate the bail, which has been granted to him vide order dated 24.10.2018 passed by learned 7th Additional Sessions Judge, Varanasi in case crime No. 1065 of 2018, under Sections 353, 505 (1)(b) of IPC, 3 & 4 of the Police (Incitement of Disaffection) Act, 1922 and 66 (D) of the Information Technology (Amendment) Act, 2000, Police Station Cantt., District Varanasi. It is urged that instead of clamping the impugned order on the petitioner, the best course open to the respondents was to oppose the bail application or to move the higher forum to get it cancelled. It is asserted that the detention order as well as it's confirmation order are mala fide in as much as they were made merely to circumvent petitioner's enlargement on bail under a judicial order.

9. Per contra, learned counsel for the State, while supporting the order of detention and denying the allegation that it has been passed only with a view to frustrate the bail order, has submitted that the activities of the petitioner were directed against the public at large and were sufficient to bring them within the ambit of "public order". The satisfaction of detaining authority is based on reliable and relevant material and that there was no illegality in the impugned orders. It is urged that non-filing of a petition for cancellation of bail does not preclude the detaining authority from passing an order of detention, if it arrives at the subjective satisfaction that the activities of the detenu are prejudicial to the maintenance of public order. It is, however, not disputed that except two cases, petitioner has no other case.

10. Thus, the main question for consideration is whether the activities of the petitioner, highlighted in the grounds of detention, fall within the realm of "public order" or "law and order".

11. The distinction between the two concepts of "public order" and "law and order" has been lucidly explained by the Apex Court in Ashok Kumar Vs. Delhi Administration, AIR 1982 SC 1143. Inter alia, observing that the true distinction between the areas of "public order" and "law and order", being fine and sometimes overlapping, does not lie in the nature or quality of the act but in the degree and extent of its reach upon society, their Lordships said that the act by itself is not determinant of its own gravity. It is the potentiality of the act to disturb the even tempo of the life of the community which makes it "prejudicial to the maintenance of public order". If the contravention in its effect is confined only to a few individuals directly involved, as distinct from a wide spectrum of public, it would raise the problem of "law and order" only. It is the length, magnitude and intensity of the terror wave unleashed by a particular act or violence creating disorder that distinguishes it as an act affecting "public order" from that concerning "law and order". On the facts of that case the Court held that whenever there is an armed hold up by gangsters in a residential area of the city and persons are deprived of their belongings at the point of knife or revolver they become victims of organised crime and such acts when enumerated in the grounds of detention,

clearly show that the activities of a detenu cover a wide field falling within the ambit of the concept of "public order".

12. To the same effect are the observations of the Apex Court in Victoria Fernandes Vs. Lalmal Sawma, AIR 1992 SC 687, wherein, relying on its earlier decisions, including Ashok Kumar's case (supra), it was reiterated that while the expression "law and order" is wider in scope, in as much as contravention of law always affects order, "public order" has a narrower ambit and public order would be affected by only such contravention which affects the community and public at large.

13. The distinction between violation of 'law and order' and an act that would constitute disturbing the maintenance of 'public order' had also fallen for consideration of the Hon'ble Supreme Court in State of U.P. & Anr. V. Sanjay Pratap Gupta @ Pappu and others reported in 2004 (8) SCC 591, where the Apex Court after an extensive survey of authority on the issue brought out the distinction in fine detail thus:-

> "12. The true distinction between the areas of law and order and public order lies not merely in the nature or quality of the act, but in the degree and extent of its reach upon society. Acts similar in nature, but committed in different contexts and circumstances, might cause different reactions. In one case it might affect specific individuals only, and therefore touches the problem of law and order only, while in another it might affect public order. The act by itself, therefore, is not determinant of its own gravity. In its quality it may not differ from other similar acts, but in its potentiality, that is, in its impact on society, it may be very different.
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> 13. The two concepts have well-defined contours, it being well established that stray and unorganized crimes of theft and assault are not matters of public order since they do not tend to affect the even flow of public life. Infractions of law are bound in some measure to lead to disorder but every infraction of law does not necessarily result in public disorder. Law and order represents the largest scale within which is the next circle representing public order and the smallest circle represents the security of State. "Law and order" comprehends disorders of less gravity than those affecting "public order" just as "public order" comprehends disorders of less gravity than those affecting "security of State". (See Kuso Sah v. State of Bihar 1974 1 SCC 185, Harpreet Kaur v. State of Maharashtra 1992 2 SCC 177, T.K Gopal Alias Gopi v. State Of Karnataka 2000 6 SCC 168 and State of Maharashtra v. Mohd. Yakub 1980 2 SCR 1158.)
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> 14. The stand that a single act cannot be considered sufficient for holding that public order was affected is clearly without substance. It is not the number of acts that matters. What has to be seen is the effect of the act on the even tempo of life, the extent of its reach upon society and its impact."

14. The issue has also been dealt with in the case of Sant Singh vs. District Magistrate, Varanasi reported in 2000 Cri LJ 2230 wherein paragraph 7 of the report dealing with the point it was held

thus:-

> "7. The two connotations 'law and order' and 'public 'order' are not the words of magic but of reality which embrace within its ambit different situations, motives and impact of the particular criminal acts. As a matter of fact, in a long series of cases, these two expressions have come to be interpreted by the apex Court. It is not necessary to refer all those cases all over again in every decision for one simple reason that they have been quoted and discussed in earlier decision of this Court dated 14-10-1999 in Habeas Corpus Writ Petition No. 33888 of 1999- Udaiveer Singh v. State of U.P. and the decision dated 1-12-1999 in Habeas Corpus Writ Petition No. 38159 of 1999 Rajiv Vashistha v. State of U.P. (Reported in 1999 All Cri R 2777). The gamut of all the above decisions in short is that the true distinction between the areas of 'public order' and 'law and order' lies not in nature and quality of the act, but in the degree and extent of its reach upon society. Sometimes the distinction between the two concepts of law and order' and 'public order' is so fine that it overlaps. Acts similar in nature but committed in different contexts and circumstances might cause different reactions. In one case it might affect specific individuals only and therefore, touch the problem of 'law and order', while in another it might affect 'public order'. The act by itself, therefore, is not determination of its own gravity. It is the potentiality of the act to disturb the even tempo of the community which makes it prejudicial to them maintenance of 'public order".

15. Learned counsel for the petitioner has cited case of Jaswant vs. Union of India and three others passed in Habeas Corpus Writ Petition No. 58076 of 2017 decided on 10.08.2018, wherein the Court has found that there was no material that if the detenue, released on bail, will indulge in activities prejudicial to the maintenance of public order. The nature of factual position of that case is quite different from the present matter. In the facts of that case, detenue was shown involved in a rape and murder case while in the instant case, petitioner has tried to incite police officials of whole State.

16. Learned counsel for the petitioner has also cited case of Rameshwar Shaw vs. District Magistrate, Burdwana And Another reported in AIR 1964 SC 334, wherein the Apex Court held that "there is also no doubt that if any of the grounds furnished to the detenu are found to be irrelevant while considering the application of clauses (i) to (iii) of s. 3(1) (a) and in that sense are foreign to the Act, the satisfaction of the detaining authority on which the order of detention is based is open to challenge and the detention order liable to be quashed. Similarly, if some of the grounds supplied to the detenu are so vague that they would virtually deprive the detenu of his statutory right of making a representation, that again may introduce a serious infirmity in the order of his detention. If however, the grounds on which the order of detention proceeds are relevant and germane to the matters which fall to be considered under s. 3(1)(a), it would not be open to the detenu to challenge the order of detention by arguing that the satisfaction of the detaining authority is not reasonably based on any of the said grounds.".

17. Learned counsel for the petitioner has further relied upon the case of Smt. Shashi Aggarwal vs. State of U.P. and Ors. reported in AIR SC (596), wherein the Apex Court held that "In the instant case, there was no material made apparent on record that the detenu, if released on bail, is likely to commit activities prejudicial to the maintenance of public order. The detention order appears to have been made merely on the ground that the detenu is trying to come but on bail and there is enough possibility of his being bailed out. We do not think that the order of detention could be justified only on that basis."

18. Learned counsel for the petitioner has also placed reliance upon the case of Tarannum vs. Union of India reported in 1998 LawSuit (SC) 156, wherein the provisions of National Security Act were invoked against the detenue mainly on the ground that the detenue was involved in a case of robbery of ornaments and cash. In the facts of the matter, the Apex Court found that the concerned authorities were not right in passing the detention order for 'law and order', problem treating the same as public order problem. After going through the said case laws, it is apparent that the nature of facts and matter involved is of quite different footing from that of present case.

19. The scope of expression "acting in any manner prejudicial to the maintenance of public order" as appearing in Sub-Section 2 of Section 3 of the NSA also came up for consideration of the Supreme Court in Mustakmiya Jabbarmiya Shaikh Vs. M.M. Mehta, (1995) 3 SCC 237; Amanulla Khan Kudeatalla Khan Pathan Vs. State of Gujarat, (1999) 5 SCC 613 and Hasan Khan Ibne Haider Khan Vs. R.H. Mendonca, (2000) 3 SCC 511. The Apex Court held that the fallout, the extent and reach of the alleged activities must be of such a nature that they travel beyond the capacity of the ordinary law to deal with the person concerned or to prevent his subversive activities affecting the community at large or a large section of the society. It is the degree of disturbance and its impact upon the even tempo of life of the society or the people of a locality which determines whether the disturbance caused by such activities amounts only to a breach of "law and order" or it amounts to a breach of "public order". In Amnulla Khan's case (supra), it has been held that the activities involving extortion, giving threat to public and assaulting businessmen near their place of work were sufficient to affect the even tempo of life of the society and in turn amounting to the disturbance of the "public order" and not mere disturbance of "law and order".

20. Dealing with the question as to whether one solitary instance can be the basis of an order of detention, the Apex Court in Smt. Bimla Rani v. Union of India, 1989 (26) ACC 589 SC observed that the question is whether the incident had prejudicially affected the 'public order'. In other words, whether it affected the even tempo of the life of the community. In Alijan Mian v. District Magistrate Dhanbad, 1983 (3) SCR 930 AIR 1983 SC 1130 it was held that even one incident may be sufficient to satisfy the detaining authority in this regard, depending upon the nature of the incident. Similar view has been expressed in the host of other decisions. The question was answered more appropriately and with all clarity in the case of Attorney General of India v. Amratlal Prajivandas, AIR 1994 SC 2179, wherein the apex Court ruled that it is beyond dispute that the order of detention can be passed on the basis of a single act. The test is whether the act is such that it gives rise to an inference that the person would continue to indulge in similar prejudical activities. It cannot be said as a principle that one single act cannot be constituted the basis for detention. Thus, the argument of learned counsel for the petitioner that since it is solitary incident of the petitioner, he deserves

sympathy, is rejected. Now the law, as it stands, is that even one solitary incident may give rise to the disturbance of 'public order'. It is not the multiplicity but the fall out of various criminal acts. Though there is consistency in the various decisions of the apex Court about the interpretation of the expressions of 'law and order' and 'public order' undue insistence on the case law is not going to pay any dividend as each case revolves round its own peculiar facts and has to be viewed in the light of the various attending factors. It is difficult to find a case on all fours with the case in hand.

21. In the instant case, examining the grounds of detention, briefly referred to above, on the touchstone of the legal position as emerging from the afore-mentioned decisions, we are of the view that the activities relied upon by the detaining authority to come to the afore-mentioned conclusion cannot be said to be mere disturbance of "law and order". As noted in the grounds of detention, the activities of the petitioner pertains to inciting police personnels at large to abstain from their duties, not to attend phone calls of police officers, to show their opposition by wearing black ribbons and to start agitation against their senior officers. There is material on record to show that petitioner, claiming himself as president of alleged police personnels organisation, has incited police personnels against gazetted officers of police and to show their opposition by wearing black ribbons and he aired his inflammatory speech on TV channel as well as by other means of social media. In fact some of the police personnels have shown their solidarity with him by wearing black ribbons across the State. If police personnels prey victim to his incitement, it will certainly result in disturbance of 'public order'. To incite police personnels not to discharge their lawful duties and to start agitation against senior police officers by itself strikes at the root of the State's authority and is directly connected to 'public order'. These acts of petitioner were not directed against a single individual but against the public at large having the effect of disturbing the even tempo of life of the community and thus, breaching the "public order". Thus, we are unable to hold that there was no material before the detaining authority to come to the conclusion, it did, to say that the activities of petitioner can be construed as activities prejudicial to the maintenance of "public order," within the meaning of Sub-Section (2) of Section 3 of the NSA. We have, therefore, no hesitation in holding that the instances of petitioner's activities, enumerated in the grounds of detention, clearly show that his activities cover a wide field and fall within the contours of the concept of "public order"and the detaining authority was justified in law in passing the impugned order of detention as its confirmation order against the petitioner.

22. As regards the plea of learned counsel for the petitioner that the impugned order is vitiated because it has been passed with a mala fide intention to frustrate the bail allowed to the petitioner, we are of the view that there is no substance in the contention. No doubt when the proceedings of clamping provisions of NSA were initiated, the petitioner was in jail but it is settled by a catena of decisions of the Apex Court that even when a person is in custody, a detention order can validly be passed if the authority passing the order is aware of the fact of his being in custody and he has reason to believe, on the basis of material placed before him, that there is imminent possibility of his being released on bail and that on being so released, he would in all probability indulge in prejudicial activities and to prevent him from doing so, it is necessary to detain him. A detention order cannot be struck down on the ground that the proper course for the authority was to oppose the bail application and if bail is granted notwithstanding such opposition, to question it before a higher Court, as is sought be pleaded by learned counsel for the petitioner. (See: Kamarunnissa Vs.

Union of India, (1991) 1 SCC 128 and Yogendra Murari Vs. State of U.P. & Ors., AIR 1988 SC 1835). On the facts in hand, we are unable to accept the contention of learned counsel for the petitioner that the impugned detention order was passed merely to frustrate the order of the Court, granting bail to the petitioner.

23. Having considered the matter in the light of the facts and circumstances, noted above, we are of the opinion that the apprehension entertained by the detaining authority, to the effect that petitioner's activities are prejudicial to the maintenance of public order, is genuine and well founded. Thus, we do not find any illegality in the impugned orders, warranting our interference. The writ petition, being bereft of any merit, is dismissed accordingly. There will, however, be no order as to costs.

Order Date :- 17.07.2019

Anand

(Raj Beer Singh, J.) (Pritinker Diwaker, J.)