

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P.(CRL) No. 34 of 2025

Mutum Ranjan Meitei @ Lamjingba, aged about 21 years, S/o M. Deban Meitei, resident of Yairipok Chandrakhong Mamang Leikai, P.O. & P.S. Yairipok, Thoubal District, Manipur.

... Petitioner

- Versus -

1. District Magistrate, Thoubal District, DC office Complex, P.O. & P.S. Thoubal, District :Thoubal, Manipur – 795138.
2. The State of Manipur represented by Commissioner/Secretary (Home), Government of Manipur, Manipur Secretariat, North block, P.O. & PS. Imphal, District Imphal West, Manipur – 795001.
3. The Union of India represented by Secretary (Home), Govt. of India, Ministry of Home Affairs, North Block, New Delhi – 110 001.
4. The Superintendent, Manipur Central Jail, Sajiwa, P.O. Lamlong, P.S. Porompat : Imphal East, Manipur – 795114.

... Respondents

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. BIMOL SINGH**

For the petitioner : Mr. L. Shashibhushan, Senior Advocate
Instructed by Md. Fakhruddin, Advocate

For the respondents: Mr. Th. Vashum, Government Advocate for
R-1, R-2 & R-4
Mr. Boboy Potsangbam, CGC for R-3

Date of hearing : 11.02.2026
Date of order : **11.02.2026**

JUDGMENT & ORDER
(O R A L)

[M. Sundar, CJ]

[1] Captioned writ petition (WP) has been filed assailing a preventive detention order dated 20.05.2025 bearing reference No. Cril. NSA Case No. 4 of 2025 made by R-1 (District Magistrate, Thoubal District). Captioned WP is a habeas corpus plea. To be noted, 'R-1' is an abbreviation denoting 'first respondent' and similar abbreviation/s will be used with regard to other respondent/s also. This preventive detention order made by R-1 shall be referred to as 'impugned preventive detention order', R-1 shall be referred to as 'detaining authority'.

[2] Factual matrix in a nutshell is that the writ petitioner was arrested on 17.04.2025 and an FIR was lodged on the same day, this FIR dated 17.04.2025 bears No. 0076 and it is on the file of Thoubal Police Station in Thoubal District, Manipur qua alleged offences under Sections 17, 20 of 'The Unlawful Activities (Prevention) Act, 1967 (37 of 1967)' ['UAPA' for the sake of brevity] and Section 5 of Arms Act, 1959 (54 of 1959). The writ petitioner was produced before jurisdictional Court i.e. Special Judge (NIA, Thoubal) and remanded to judicial custody. While the writ petitioner remained incarcerated, 'Superintendent of police, Thoubal' who shall be referred to as 'Sponsoring Authority' sent 2 (two) communications, one dated 02.05.2025 and another dated 16.05.2026 bearing reference No.

9/37/2025/SP-TBL/2493 and No. 9/37/2025/SP-TBL/2728 respectively requesting R-1 to make a detention order qua writ petitioner under the 'National Security Act, 1980 (65 of 1980)' ['NSA' for the sake of brevity]. Acting on these two communications from the sponsoring authority, R-1 (detaining authority) made the impugned preventive detention order. Thereafter, R-1 made grounds of detention dated 23.05.2025 bearing No. Cril. NSA Case No. 4 of 2025 and this Court is informed that the grounds of detention was served on the writ petitioner/detenu on the same day (23.05.2025) in the Central Jail Sajiwa, Imphal East, Manipur - 795114 where the detenu is now lodged.

[3] To capture facts which are necessary to appreciate this order, this Court deems it appropriate to write that R-1 (detaining authority) is an officer on whom powers have been conferred by the State Government vide Section 3(3) of NSA. This means that the impugned detention order made by R-1 shall remain in force only for 12 days but post 12 days it will operate subject to approval by State Government. The State Government approved the impugned preventive detention vide an order dated 31.05.2025 bearing reference No. H-1401/5/2025-HD.HD. This means that the impugned preventive detention order continued to operate beyond 12 days and to be noted, it continues to operate. Thereafter State Government placed the matter before Advisory Board constituted under Section 9 of NSA, the Advisory Board sat on 18.06.2025 and gave a report dated 21.06.2025 to the

effect that there are sufficient grounds for detention of the writ petitioner. Acting on such report of the Advisory Board, State Government vide an order dated 02.07.2025 bearing reference No. H-1401/5/2025 – HD.HD confirmed the impugned preventive detention order by exercising powers under Section 12 of NSA. Captioned WP has been filed in this Court on 27.11.2025 which means that the impugned preventive detention order dated 20.05.2025 made by R-1 (detaining authority), approval of the State Government dated 31.05.2025 (under Section 3(4) of NSA) and confirmation order dated 02.07.2025 (under Section 12 of NSA) are all under challenge in the captioned WP.

[4] Notwithstanding very many averments/grounds in the captioned WP, Mr. L. Shashibhushan, learned senior advocate instructed by Md. Fakhruddin, learned counsel on record for the writ petitioner predicated his campaign against the impugned preventive detention order, approval order and confirmation order on 2 (two) points. These two points were resisted by Mr. Th. Vashum, learned State counsel appearing for R-1, 2 & 4. Mr. Boboy Potsangbam, learned Central Government Counsel (CGC) for respondent No. 3 is before this Court. To be noted, R-3 is only a formal authority.

[5] This Court, now embarks upon the drill of discussing and giving dispositive reasoning qua the two points on which learned senior counsel for writ petitioner predicated his campaign against the impugned preventive detention order, approval and confirmation orders.

[6] The first ground or first point is that the detaining authority has recorded subjective satisfaction qua imminent possibility of the detenu being enlarged on bail without the same being grounded on any material which is of rationally probative value. Learned State counsel submitted to the contrary by stating that detenu had moved a bail application on 25.04.2025 in the jurisdictional NIA Court, the same was pending and this was the basis for subjective satisfaction of detaining authority.

[7] This Court, carefully examined the rival contentions. At the outset, it is to be noted that the question of justiciability of subjective satisfaction of a detaining authority in preventive detention matters came up for consideration before Hon'ble Supreme Court in several cases and we respectfully refer to a recent judgment of Hon'ble Supreme Court being '*Ameena Begum vs. State of Telangana & Ors.*' reported in **(2023) 9 SCC 587**. In *Ameena Begum*, after a survey of various case laws on preventive detention including case laws on preventive detentions under NSA, Hon'ble Supreme Court made it clear that areas within which validity of subjective satisfaction can be tested have been carved out and an adumbration of the carved out areas is as follows:

- (a) When the detaining authority has not applied its mind at all;
- (b) When there is dishonest exercise of power by detaining authority;

- (c) Exercise of power of detaining authority for improper purpose;
- (d) Detaining authority acting under dictation of another body;
- (e) When the subjective satisfaction recorded by detaining authority is based on application of wrong test or misconception of a statute;
- (f) When the detaining authority has arrived at and recorded subjective satisfaction without the same being grounded on materials which are rationally probative value.

(Underlining made by this Court for ease of reference.)

To be noted, adumbration supra has been set out by this Court by respectfully following paragraph No. 16 of ***Ameena Begum*** [paragraph No. 16 as in SCC report being (2023) 9 SCC 587] wherein Hon'ble Supreme Court relied on paragraph Nos. 8 & 9 of '***Khudiram Das vs. State of West Bengal***' reported in ***(1975) 2 SCC 81*** which was rendered by a Hon'ble four Judges Bench.

[8] In the case on hand, we tested subjective satisfaction of detaining authority qua imminent possibility of detenu being enlarged on bail applying aforesaid principles laid down by Hon'ble Supreme Court as touchstone. We find that the subjective satisfaction is clearly flawed on two grounds viz., detaining authority not having applied its mind at all and subjective satisfaction being arrived at without being grounded on any material which are of rationally probative value. The reason is, the impugned preventive detention order is dated 20.05.2025,

the grounds of impugned preventive detention is dated 23.05.2025 but in the grounds also in paragraph No. 8, the detaining authority has recorded that the hearing of detenu's bail application (Bail application dated 25.04.2025) is fixed (for hearing in Trial Court) on 21.05.2025. This means that while making the grounds of impugned preventive detention order on 23.05.2025, the detaining authority has not applied its mind and examined what happened to the bail application on 21.05.2025. To be noted, as regards the two letters from the sponsoring authority i.e., Superintendent of Police, Thoubal District (alluded to supra) in the first letter dated 02.05.2025 it has been mentioned by sponsoring authority that the bail application is listed in Trial Court on 06.05.2025 and in the second letter dated 16.05.2025 the sponsoring authority has categorically mentioned that the date of hearing of bail application in Trial Court is 21.05.2025. In this view of the matter, this Court has no hesitation in coming to the conclusion that the detaining authority making grounds of detention on 23.05.2025 without ascertaining what happened to the bail application in the hearing on 21.05.2025 is clearly a case of not applying its mind which is Test (a) qua justiciability of subjective satisfaction set out in ***Ameena Begum*** an adumbration which has been set out supra. To be noted, ultimately, the bail application came to be rejected by the jurisdictional NIA Court on 30.05.2025 but we are not delving into this as it is post impugned preventive detention order though it is prior to approval of the State

Government (under Section 3(4) of NSA) on 31.05.2025 and confirmation by the State Government on 02.07.2025 (under Section 12 of NSA). As regards material which are of rationally probative value, there is no whisper either in the impugned preventive detention order or in the grounds of detention as to any material which points towards imminent possibility of bail being granted to detenu. It is also to be noted that the learned State counsel is unable to point out that there was any such material before the detaining authority. Therefore subjective satisfaction qua imminent possibility of detenu being enlarged on bail has been arrived at by the detaining authority without the same being grounded on any material of rationally probative value which leads this Court to the inevitable conclusion that the impugned preventive detention order is vitiated by Test (f) qua ***Ameena Begum*** which has been set out supra. This Court, therefore, has no hesitation in coming to the conclusion that the impugned preventive detention order suffers from the vice of arriving at subjective satisfaction qua imminent possibility of detenu being enlarged on bail without application of mind and without basing the same on any material of rationally probative value.

[9] This takes this Court to the second point/ground. Adverting to the grounds of preventive detention dated 23.05.2025 and more particularly paragraph No. 10 thereat, learned senior counsel for the writ petitioner submitted that the detaining authority has written in

the grounds that the detenu has a right to make three representations (to three different entities) but has fixed time frames for making of all three representations. This, according to learned senior counsel, is an infraction of sacrosanct right embedded /enshrined in Article 22, more particularly, Clause (5) of Article 22 of the Constitution of India. On a careful reading of the grounds of detention and more particularly paragraph No. 10 thereat that the detaining authority has referred to three representations and they are : (a) representation to the detaining authority, (b) representation to the State Government and (c) representation to Central Government but has also written that the representation to the detaining authority should be made within twelve days from the date of detention and representation to the State and Central Governments should be made within three weeks from the date of detention. This is infraction of sacrosanct principle underpinning Article 22(5) of Constitution of India is learned senior counsel's say. Responding to this argument, Mr. Th. Vashum, learned State counsel submitted that the impugned preventive detention order has been made by an officer within the meaning of Section 3(3) of NSA and therefore the same will remain in force only for twelve days unless it is approved by the State Government under Section 3(4) of NSA and therefore, this twelve days time fame was fixed. It was further submitted by learned State counsel that State Government should place the representation before the Advisory Board (under Section 10 of NSA) within three weeks

from the date of detention and therefore, three weeks time frame was fixed with regard to representation to State Government.

[10] This Court carefully considered the rival submissions qua second point/ground. Before setting out our dispositive reasoning on the second point, we deem it appropriate to write that in a long line of authorities starting from '*Union of India vs. Paul Manikum*' reported in **(2003) 8 SCC 342**, Hon'ble Supreme Court has repeatedly held that the right of a detenu to make a 'representation' within the meaning of Article 22(5) of Constitution of India implies the right of making an '*effective representation*'. It has also been made clear that a detenu qua a impugned preventive detention order is entitled to have his representation considered as expeditiously/at the earliest. The significant clincher is, neither the Constitution nor the long line of authorities have either provided for or justified fixing of time frames for making such representations. It comes to light that in '*Premalata Sharma (Smt.) vs. District Magistrate, Mathura & Ors.*' reported in **(1998) 4 SCC 260**, Hon'ble Supreme Court has made it clear that there can be no period of limitation regarding exercise of right of the detenu to make a representation and corresponding obligation of the Central Government to consider the same for deciding upon the question of order of detention as such a right of a detenu and obligation of State subsist so long as the preventive detention order continues. To be noted, on facts, *Premalata* also arose under NSA, a preventive

detention order made under NSA was assailed and the issue that fell for consideration is refusal to send detenu's representation to Central Government on the ground that the power of the revocation of a detention order is vested only in the State Government under Section 14 of NSA. It is in this context that in ***Premjata***, Hon'ble Supreme Court laid down the ratio that the right of detenu to make a representation and corresponding obligation of the Government to consider the same expeditiously (at the earliest) subsist so long as the preventive detention order operates/detention continues. In the case on hand, therefore, fixing of twelve days time frame qua representation to the detaining authority and fixing of three weeks time frame for representations to the State and Central Governments is clearly flawed and unacceptable. On an extreme demurer, even if the argument of learned State counsel that the time frames were fixed as impugned preventive detention order will be valid only for twelve days unless approved by the State Government and the State Government has a responsibility to place the representation before the Advisory Board within three weeks is accepted, the same does not come to the aid of learned State counsel in his effort to defend the impugned preventive detention order. The reasons are, as regards twelve days, though there may be some semblance of justification, there is absolutely no justification as regards fixing three weeks time frame for representation to the State Government. The reason is, Section 10 of NSA captioned 'Reference to

Advisory Board' makes it clear that the appropriate Government shall within 3 weeks from the date of detention of a person place before the Advisory Board, the grounds on which order has been made and representation, *if any*. Section 10 of NSA reads as follows :

'10. Reference to Advisory Board.—

*Save as otherwise expressly provided in this Act, in every case where a detention order has been made under this Act, the appropriate Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 9, the grounds on which the order has been made and the representation, **if any**, made by the person affected by the order, and in case where the order has been made by an officer mentioned in sub-section (3) of section 3, also the report by such officer under sub-section (4) of that section.'*

(underlining and bold font made /used by this Court for ease of reference).

[11] The above makes it clear that the statute i.e. Section 10 of NSA is clear as daylight that a State Government is under obligation to place the representation of the detenu before the Advisory Board only if the detenu chooses to send a representation. To put it differently, it is axiomatic that if the detenu does not send a representation within three weeks from the date of detention, State Government will be under no obligation much less a statutory obligation to place it before the Advisory Board and the State Government cannot be found fault with in

this regard. Therefore, the argument that three weeks time frame for representation to State Government was fixed in grounds of detention to ensure that the representation is placed before the Advisory Board does not hold water. The buttressing factor is, if State Government receives a representation after three weeks from the date of detention, it has a sacrosanct duty to consider the same for revocation under Section 14 of NSA. To be noted, this is a indefeasible analogy that flaws from ***Premiata*** principle i.e., principle that detenu's right to make a representation and obligation/duty of State to consider the same at the earliest subsist as long as the preventive detention order operates/detention continues. As regards the representation to the Central Government this three weeks phenomenon does not exist at all and therefore the argument is a non starter.

[12] Mr. Boboy Potsangbam, learned CGC submits that there can be no disputation that it is open to the detenu to send representation to the Central Government at any point of time as long as detention order subsists/detention continues.

[13] In the case on hand, vide paragraph No. 10 of grounds of detention, the detaining authority has fixed three weeks time frame for representation to the Central Government also. This is clearly flawed and this Court has no hesitation in coming to the conclusion that this is an infraction of sacrosanct right enshrined in Article 22 (5) of the Constitution of India as already alluded supra. Hon'ble Supreme Court

has repeatedly held that 'making a representation' within the meaning of Article 22(5) of the Constitution of India necessarily means make an '*effective representation*' about which there is allusion supra in this order. The argument of learned counsel that the grounds of detention do not say that the detenu cannot send representation/s after twelve days/three weeks pales into insignificance as fixing time frame necessarily leads to axiomatic corollary that representation, if any, should be sent within twelve days to detaining authority and three weeks to the State or Central Governments and in this case, it has infringed the right of the detenu as it has led the detenu to believe that there are time limits/caps within representations should be made and he cannot make representation/s after the time limits elapse. This has been specifically articulated and emphatically averred by the writ petitioner in paragraph No. 3 of the additional affidavit which reads as follows:

'3. That, the petitioner submit that even though the order of detention dated 20/05/2025 and the grounds of his detention dated 23/05/2025 enclosed as Annexure – A/1 and Annexure – A/2 respectively to the petition were furnished to him on time, he could not consult and file any representations to the authorities named in the grounds of his detention dated 23/05/2025 within the time specified in the said grounds of detention or hereafter on account of his being in custody and was also under bona fide belief that the time period has expired for filing representations to the authorities named in the aforesaid grounds of detention dated 23/05/2025.'

To be noted, this additional affidavit of the writ petitioner is dated 27.1.2026, there is an affidavit in opposition in response to this additional affidavit and this affidavit-in-opposition is dated 05.02.2026. As regards to Para 3 of the additional affidavit the State has met the same in para 5 of affidavit in opposition and the same reads as follow:

'5. That, with reference to Para Nos. 3, 4 and 5 of the Additional Affidavit of the writ petitioner, the dependent has no comment to offer.'

The above means that the positive assertion and emphatic averment of the petitioner/detenu that he was led to believe that he cannot make any representation after 3 weeks owing to the time being fixed in the grounds of detention order served on him has not been subjected to any disputation.

[14] This Court has already come to the conclusion that fixing three weeks time frame qua representation to State Government is flawed owing to the language in which Section 10 of NSA is couched and as regards representation to Central Government the same is clearly flawed inter alia in the light of ***Premlata*** principle. Therefore, the second point also enures to the benefit of the writ petitioner in writ petitioner's campaign against the impugned preventive detention order made by detaining authority as well as approval and confirmation orders made by the State Government under Section 3(4) and 12 respectively of NSA. Therefore, the second point also enures to the benefit of the writ petitioner.

[15] Ergo, sequitur is, captioned writ petition is allowed. The impugned preventive detention order dated 20.05.2025 bearing reference No. Cril. NSA Case No. 4 of 2025 made by R-1 (District Magistrate, Thoubal District, Manipur), approval of the State Government dated 31.05.2025 bearing reference No. H-1401/5/2025-HD.HD and confirmation order dated 02.07.2025 bearing reference No. H-1401/5/2025-HD.HD are all set aside and Shri Mutum Ranjan Meitei @ Lamjingba resident of Yairipok Chandrakhong Mamang Leikai, Thoubal District, aged about 21 years now lodged in Manipur Central Jail Sajiwa, Imphal East, is directed to be set at liberty forthwith, if not required in connection with any other case/s. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

FR/NFR

Bipin

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