

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

W.P.(Crl) No. 3 of 2024

Shri Thokchom Romeschandra Singh @ Ayangba @ Nanao,
aged about 33 years, S/o (L) Th. Nilachandra Singh @
Lilachandra Singh of Phubala Awang Leikai, Moirang P.S.
Bishnupur, Manipur.

... Petitioner

- Versus -

1. The District Magistrate, Imphal East, Manipur,
Porompat – 795005.
2. The State of Manipur represented by Chief Secretary,
Government of Manipur, South Block, Imphal,
Manipur – 795001.
3. The Superintendent of Police, Manipur Central Jail,
Sajiwa.
4. The Union of India represented by (Secretary, Home
Affairs) Department of Internal Security North Block,
New Delhi – 110001.

...Respondents

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU**

For the petitioner : Mr. Ch. Ngongo, Senior Advocate
Assisted by Ms. S. Gangarani, Advocate

For the respondents : Mr. Th. Vashum, Govt. Advocate
Mr. BR Sharma, CGSC

Date of hearing : 22.10.2024

Date of judgment & order : **25.10.2024**

JUDGMENT & ORDER
(CAV)

(Siddharth Mridul, CJ)

[1] Heard Mr. Ch. Ngongo, learned senior counsel assisted by Ms. S. Gangarani, learned counsel appearing on behalf of the petitioner, Mr. Th. Vashum, learned G.A. appearing on behalf of the respondents No. 1, 2 & 3 and Mr. BR Sharma, learned CGSC appearing on behalf of the respondent No. 4.

[2] The present petition has been instituted on behalf of Shri Thokchom Romeschadra Singh @ Ayangba @ Nanao with the following prayer:

"To issue rule nisi directing the respondents to show cause as to why a writ in the nature of Habeas Corpus should not be issued and set aside the impugned order in Annexure – A/1 and A/4 to the petition and set the petitioner at liberty."

[3] The petitioner was arrested on 05.01.2024 in connection with FIR No. 02(01)2024 HNG-PS U/S 17/20 UA(P) Act and detained under the NSA by the District Magistrate, Imphal East (respondent No. 1 herein) vide order No. Cril/NSA No. 1 of 2024 dated 30.01.2024 and lodged in the Manipur Central Jail, Sajiwa on the allegation that he is an active member of the banned unlawful organization, KCP (Noyon) [KCP(N)] and a notoriously clever, hardened criminal/habitual offender who had carried out various prejudicial activities. The detention order dated 30.01.2024 (***Annexure – A/1***), is extracted herein below:

"GOVERNMENT OF MANIPUR
OFFICE OF THE DISTRICT MAGISTRATE: IMPHAL EAST DISTRICT

ORDERS

Porompat, the 30 January, 2024

No.CH/NSA/No.1 of 2024 Whereas, Superintendent of Police, Imphal East District vide letter No. C-5/12/SP 1E/2024/1447 dated, 29 January, 2024 has forwarded history sheet with relevant documents in respect of one Thokchom Romeshchandra Singh @ Ayangba @ Nanao (33 yrs/ male) S/o (L) Th. Nilachandra Singh @ Lilachandra Singh of Phubala Awang Leikai, Moirang PS/ Bishnupur, Manipur, arrested in connection with FIR No. 02(01) 2024 HNG PS U/S 17/20 UA(P) Act, for issue of detention order in respect of the above accused under National Security Act, 1980 as he is acting in a manner prejudicial to the maintenance of public order and is not possible to prevent his activities by application of ordinary laws;

Whereas, an application on behalf of the accused person Thokchom Romeshchandra Singh, aged 33 years, S/o (L) Th. Nilachandra Singh of Phubala Awang Leikai, Moirang P.S., Bishnupur District, Manipur under Section 480 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for release on bail has been filed on 18 January, 2024 in the Court of the Special Judge (NIA), Imphal East at Cheirap Court Complex, Imphal, Manipur;

Whereas, SP, Imphal East has also stated in his detailed report that Shri Thokchom Romeshchandra Singh Ayangba @Nanao (33 yrs/ male) S/O (1) Th. Nilachandra Singh @ Lilachandra Singh of Phubala Awang Leikai, Moirang PS/ BPR, Manipur, being a notoriously clever as well as habitual offender and hardened criminal, there is high apprehension of releasing him on bail as the bail hearing has been fixed today, i.e., 30-01-2024;

Whereas, I, the undersigned in the capacity of District Magistrate, Imphal East District, Manipur, am satisfied, upon examination of the detailed police report and relevant documents submitted by the SP, that his activities are prejudicial to the maintenance of public order under Section 3(2) of the National Security Act, 1980 and there is likelihood of his release on bail as he has applied for the same on 16 January, 2024;

Whereas, it is considered necessary to detain Shri Thokchom Romeshchandra Singh @ Ayangba @ Nanao (33 yrs/male) S/O (1) Th. Nilachandra Singh @Lilachandra Singh of Phubala Awang Leikai, Moirang PS/ BPR Manipur, with a view to prevent him from acting in a manner prejudicial to the maintenance of public order under Section 3(2) of the National Security Act, 1980'

Now, therefore, I, the undersigned, District Magistrate, Imphal East District Manipur in exercise of the powers conferred upon me by Sub Section 3 of Section 3 of the National Security Act, 1980 make this order directing that the above-mentioned person who is now in police custody be detained under Section 3(2) of the National Security Act, 1980 until further orders.

Given under my hand and seal of this Court on this 30 day of January, 2024.

Sd/-
(Khumantham Diana Devi)
District Magistrate, Imphal East"

[4] The respondent No. 1, on 01.02.2024, issued grounds of detention and furnished a copy thereof to the petitioner vide letter No. Cril/NSA/No. 1 of 2024.

[5] Brief facts of the case are as follows:

The present petitioner has filed this Writ Petition challenging the veracity and correctness of the order of detention dated 30/01/2024 and subsequent order of approval and confirmation order issued by Joint Secretary (Home), Government of Manipur. The allegations in short are that the petitioner is a member of Kangleipak Communist Party (Noyon Group) and is involved in activities prejudicial to the security of state and maintenance of public order. As per the allegations in the grounds of detention; reliable information was received by the Imphal East Police Station on 05/01/2024 at about 4:00 p.m. that some active members of the outfit KCP (Noyon Group) were present at the Sangakpham Bazar, Imphal East District, Manipur. A team of Imphal East District Police led by Inspector Kh. Henery, Officer-in-charge of Commando, Imphal East Unit and Inspector Kh. Pathou Meitei, OC/HNG-PS/Imphal East and a column of 4 AR under the overall supervision of Shri Dr. S. Ibomcha Singh, MPS Superintendent of Police, Imphal East rushed to the said area and conducted a search operation. In that operation the combined team detained one suspect for verification. On verification, the detenu identified himself as one Imtiyas Khan, an active member of outfit KCP (Noyon Group). The said Imtiyas further disclosed that he was working under one Thokchom Romeschandra

Singh and at his instance he had extorted money from Pharmacy Shops at Sangakpham Bazar and he also disclosed that his associate Th. Romeschandra and one Md. Salim are waiting for him at Keirang, Imphal East. Immediately the combined team rushed to Keirang and arrested Thokchom Romeschandra @ Ayangba, aged about 33 years and one Md. Salim, aged about 30 years. The O/E was submitted to the officer-in-charge HNG-PS on the same day at about 9:20 p.m. After that the accused was produced before the Special Judge (NIA) and remanded to Judicial Custody.

[6] The learned counsel appearing on behalf of the petitioner submits that the detaining authority did not formulate the grounds of detention before passing the detention order; asserting that the grounds of detention are a pre-condition, as observed by a catena of decisions of Hon'ble Apex Court, and as such, the detention order is an unfounded one.

[7] Further, the learned counsel appearing on behalf of the petitioner submits that after going through the grounds of detention and the detention order, it is crystal clear that there is no material before the detaining authority for coming to the conclusion that the petitioner is likely to be released on bail. The decisions of Hon'ble Apex Court have struck down the detention orders and confirmation orders on the ground of the vitiation of the subjective satisfaction of the detaining authority. The asseveration of the detaining authority in the detention order that bail is granted by Criminal Courts in similar cases are a totally self-serving and false statement. Moreover, the said assertion not supported by any material facts and it is

only ipse-dixit of the detaining authority and therefore, the impugned orders are liable to be set aside.

[8] The petitioner, through his former counsel, on 08.02.2024, submitted an application to the Superintendent, Manipur Central Jail Sajiwa requesting him to supply copies of the representation to the respondent No. 1, 2 & 4 for revocation of the detention order.

On the same day, an order was issued by the Home Department, Government of Manipur approving the impugned detention order passed by the District Magistrate, Imphal East, is approved (**Annexure – A/4**), which reads as follow:

*"GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT*

*ORDERS BY THE GOVERNOR: MANIPUR
Imphal, the 8th February, 2024*

No.H-14/1/2024-HD-HD: Whereas the District Magistrate, Imphal East District, Manipur under Section 3(3) of the National Security Act, 1980 (hereinafter referred to as the said Act), vide No. Cril/NSA/No.1 of 2024/138 dated 30.01.2024 and 31.01.2024 issued detention order detaining Thokchom Romeshchandra Singh Ayangba @ Nanao (33 yrs/ Male), s/o Th. Nilachandra Singh @ Lilachandra Singh of Phubala Awang Leikai, Moirang PS/ Bishnupur, Manipur (hereinafter referred to as the said person);

2 And whereas, the District Magistrate, Imphal East District, Manipur has submitted a report on the detention of the said person under section 3(2) to the Government vide her letter No. Cril/NSA/No.1 of 2024/142 dated 01.02.2024. Further the District Magistrate, Imphal East District, Manipur has furnished grounds for detention of the said person under Section 3(2) of the said Act to the Government vide her letter No. Cril/NSA/No. 1 of 2024/142 dated 01.02.2024;

3 And whereas, after having carefully considered grounds for detention furnished by the District Magistrate, Imphal East District, Manipur and being satisfied that his activities are prejudicial to the maintenance of Public Order is of the opinion that the grounds are

sufficient for the detention of the said person under Section 3(2) of the said Act and that the order of detention aforesaid made by the District Magistrate, Imphal East District, Manipur under Section 3(3) of the said Act is hereby approved by the Competent Authority;

4 Now, therefore, in exercise of the powers conferred under Section 3(4) of the said Act, the Governor of Manipur is pleased to approve the order of detention passed by the District Magistrate, Imphal East District, Manipur under No. Cri/NSA/No. 1 of 2024/136 dated 30.01.2024 and 31.01.2024.

*By orders & in the name of Governor,
Sd/-
(Ranjan Yumnam) Joint Secretary (Home).
Government of Manipur"*

[9] The learned counsel appearing on behalf of the petitioner further more submits that he filed a Bail Application before the Special Judge (NIA), Imphal East, being Cril. Misc. (B) No. 6 of 2024 [Ref. : 02(01)2024 HNG-P.S. U/S 17/20 UA(P) Act. The said application was disposed of as uncontested – not pressed.

The said representation dated 08.02.2024 for revocation of the detention order was rejected by the respondent No. 1 vide letter No. Cril/NSA/No. 1 of 2024, dated 13.02.2024. However, there was a delay while rejecting the representation in relation to the detention order. Operative portion of the said letter is extracted herein below:

"In inviting a reference to your representation dated 08.02.2024 addressed to the Chief Secretary, Government of Manipur forwarded by Inspector General of Police (Prisons), Manipur vide his letter No. 9/4/2022-IG(J)/3385 dated 08.02.2024 against the detention under NSA regarding the above subject, and to inform you that your representation has been considered carefully by the State Government and it has come to the conclusion that your request for revocation of the detention order cannot be acceded to as the representation is found to be devoid of merit."

The respondent No. 2 also rejected the said representation vide letter No. Cril/NSA/No. 1 of 2024, dated 13.02.2024. However, there is also a delay in rejecting the representation based on the detention order.

Operative portion of the said letter is extracted herein below:

"12. Hence, it is highly regretted, to inform you that the request for revocation of the detention orders under reference No. Cril/NSA/No. 1 of 2024 dated 30th January, 2024 and allegation made by you has not been acceded to by this Office, as the submissions made therein are not maintainable."

[10] The learned counsel appearing on behalf of the petitioner submits that the respondent No. 4 did not consider the representation for revocation of the detention order on the report submitted by the respondent No. 2. The respondent No. 1 also did not consider the representation till date. Therefore, the impugned orders are liable to be set aside on the following grounds:

- (i) The detention of the petitioner is liable to be set aside as there was misapplication of law by the detaining authority while passing the detention order as such, the orders annexed in Annexures – A/1 and A/4 are liable to be set aside.
- (ii) The detaining authority did not formulate the grounds of detention before passing the detention order and as such, the impugned orders is liable to be set aside.

- (iii) There is no material before coming to the conclusion that the petitioner is likely to be released on bail and as such, the detention order is liable is to be set aside.
- (iv) There was no material before the detaining authority for coming to the conclusion that the petition is likely to indulge in the prejudicial activity if release from detention and as such, the impugned orders are liable to be set aside.
- (v) There is no bail order for graining bail with respect to FIR No. 146(9)2008 MRG-PS and FIR No. 28(6)2020 BPR-PS enclosed to the grounds of detention and as such, the satisfaction of the detaining authority for likely to be released on bail is nothing but ipse-dixit and as such, the impugned order is liable to be set aside.
- (vi) The documents annexed to the ground of detention are not readable, so could not provide an effective representation and as such, the impugned order is liable to set aside.
- (vii) The respondent No. 1 is not aware of the likelihood of continuation of prejudicial activity after releasing on bail and as such, the impugned orders are liable to be set aside.

- (viii) Nothing is mentioned in the detention order that the detenu would continue his prejudicial activity after releasing on bail and as such, the impugned order is liable to be set aside.
- (ix) The respondent No. 1 did not forward the approved report to the respondent No. 1 as required by Section 3(5) of NSA and as such, the impugned orders are liable to be set aside.
- (x) The respondent No. 1 did not provide the specific designation and address of the Central Government and the petitioner could not make the Central Government as a respondent and as such, the impugned orders are liable to be set aside.
- (xi) The respondent No. 4 did not dispose of the representation dated 08.02.2024 till date and as such, the impugned orders are liable to be set aside.

[11] During the course of hearing, Mr. Ch. Ngongo, learned senior counsel appearing on behalf of the petitioner advanced arguments only on the solitary ground that there is an unexplained delay in disposal of the petitioner's constitutionally enabled representation, on the part of the Central Government.

In this behalf, the petitioner filed a representation addressed to the respondent No. 4, i.e. Union of India on 03.08.2024, through

respondent No. 3, i.e. the Superintendent of Police, Manipur Central Jail, Sajiwa with a forwarding letter requesting the respondent No. 3 to obtain signature from the detenu and forward the same to the respondent No. 4 with 6 (six) copies of the representation. As per the tracking report of Speed Post, it is indicated that the same was received on 09.08.2024.

[12] The learned counsel appearing on behalf of the petitioner submits that the respondent No. 4 filed affidavit on 08.10.2024 stating that the said representation was received by the Central Government only on 09.09.2024 at 12:15 p.m. through e-mail submitted by the Home Department, Government of Manipur and that thereafter, his representation was considered and rejected on the 12.09.2024.

The respondent No. 3 also filed affidavit to the additional affidavit filed by the petitioner on 13.09.2024 wherein they stated that they have received the said representation on 05.08.2024 and the same was forwarded to the concerned authority after obtaining the signature of the detenu on the same day.

It is, thus, factually evident that there is a delay of 1 (one) month in consideration of the said representation by the Central Government. In the present case, there is absolutely no explanation forthcoming, particularly from the State respondents for the axiomatic delay in forwarding the representation dated 03.08.2024. There is a total unexplained delay of 1 (one) month i.e. from 09.08.2024 to 09.09.2024 by

the State respondents. The delay in transmitting the representation affects adversely the further detention of the detenu. In this regard, the learned counsel appearing on behalf of the petitioner relied on the decision of the Hon'ble Apex Court rendered in ***Aslam Ahmed Zahiri Ahmed Shaïd V. Union of India & Ors. [AIR 1989 SC 1403]***. Wherein, it was held as follows:

"11. Reverting to the instant case, we hold that the above observation in Vijay Kumar's case will squarely be applicable to the facts herein. Indisputedly the Superintendent of Central Prison of Bombay to whom the representation was handed over by the detenu on 16-6-88 for mere on-ward transmission to, the Central Government has callously ignored and kept it in cold storage unattended form a period of 7 days, as a result of that, the representation reached the Government 11 days after it was handed over to the Jail Superintendent. Why the representation was retained by the jail Superintendent has not at all been explained in spite of the fact that this Court has permitted the respondent to explain the delay in this appeal, if not before the High Court.

12. In our view, the supine indifference, slackness and callous attitude on the part of the Jail Superintendent who had unreasonably delayed in transmitting the representation as an intermediary, had ultimately caused undue delay in the disposal of the appellant's representation by the Government which received the representation 11 days after it was handed over to the Jail Superintendent by the detenu. This avoidable and unexplained delay has resulted in rendering the continued detention of the appellant illegal and constitutionally impermissible."

The operative portion of the Hon'ble Supreme Court's order passed in ***Vijay Kumar's case*** (supra) is extracted herein below; for the sake of completeness:-

10. A contention similar to one pressed before us was examined by this Court in Vijay Kumar's case (AIR 1982 SC 1023) (supra) wherein the facts were that the representation of the detenu therein dated 29-7-81 was forwarded to Government by 'the Superintendent of Jail on the same day by post followed by a wireless message, but according, to the Government, the representation was not received by them. Thereafter, a duplicate copy was sent by the Jail Superintendent on being requested and

the same was, received by the Government on 12-8-81. Considering the time lag of 14 days in the given circumstances of that case, this Court though over- looked the same and allowed the Writ Petition on the subsequent time lag, made the following observation (at P. 1028 of AIR):

"The Jail authority is merely a communicating channel because the representation has to reach the Government which enjoys the power of revoking the detention order. The intermediary authorities who are communicating authorities have also to move with an amount of promptitude so that the statutory guarantee of affording earlier opportunity of making the representation and the same reaching the Government is translated into action. The corresponding obligation of the State to consider the representation cannot be whittled down by merely saying that much time was lost in the transit. If the Government enacts a law like the present Act empowering certain authorities to make the detention order and also simultaneously makes a statutory provision of affording the earliest opportunity to the detenu to make his representation against his detention to the Government and not the detaining authority, of necessity the State Government must gear up its own machinery to see that in these cases the representation reaches the Government as quickly as possible and it is considered by the authorities with equal promptitude. Any slackness in this behalf not properly explained would be denial of the protection conferred by the statute and would result in invalidation of the order."

[13] The learned counsel appearing on behalf of the petitioner also relied on the decision of the Hon'ble Apex Court passed in ***Rajamal V. State of Tamil Nadu & Ors. [(1999) I SCC 417] (para No. 8 & 9)*** wherein, it was held that if delay was caused on account of indifference or lapses in considering the representations, such delay will adversely affect further detention of detenu. In other words, it is for the authority concerned to explain the delay in disposing of the representation. It is not enough to say that the delay was very short. Even the longer delay can well be explained, so

the test is not duration or range of delay, but how it is explained by the authority concerned.

[14] Mr. Th. Vashum, learned GA appearing on behalf of the respondents No. 1, 2 & 3 submits that affidavit-in-opposition in respect of the said respondents have been filed.

It has been stated that the petitioner is a member of banned unlawful organization namely, Kangleipak Communist Party (Noyon) [KCP(N)] and carried out various prejudicial activities to the security of the State and maintenance of public order and he was involved in many FIR cases i.e. (i) FIR No. 146(9) 2008 MRG-PS U/S 18 UA(P) Act of Moirang Police Station, Bishnupur District, (ii) FIR No. 28(6) 2020 BPR-PS U/S UA (P) Act of Bishnupur Police Station, Bishnupur District and (iii) FIR No. 02(01)2024 HNG-PS U/S 17-20 UA(P) Act of Heingang Police Station, Imphal East District.

In regard to the charge sheet, the learned GA submits that there no mandate as to charge sheet should be submitted before issuance of the impugned detention order and the detention order was purely on the basis of his past and present unlawful prejudicial activities. The detention order has been issued after due investigation and fact findings that the petitioner has been a repeated offender as per past police records and there is likelihood of his release on bail again, since he has applied for, and in view of his prejudicial activities in the immediate past, there is likelihood of continuation of such prejudicial acts in future. Therefore, it is evident from

the facts mentioned above that normal criminal laws are not sufficient to prevent the petitioner from the commission of prejudicial activities and have found to be a fit case for preventive detention under NSA, 1980; accordingly the detention order is passed under the relevant provision of Section 3(2) of NSA, 1980.

[15] The learned GA submits that the petitioner himself admitted that he had already been released on bail in two previous occasions i.e. in 2008 and 2020 and the same has been reflected in the interrogation statement recorded in connection with FIR No. 02(1)2024 NHG-PS U/S 17/20 UA(P) Act.

After passing the impugned detention order dated 30.01.2024, the same has been approved by the State on 08.02.2024. On the same day, the petitioner submitted his representation and the same has been considered and rejected on 13.02.2024 which has also been sent to the petitioner.

As regards the representation dated 03.08.2024, they have received the same on 05.08.2024 and forwarded the same to the concerned authority after obtaining signature of the detenu on the same day.

[16] Mr. BR Sharma, learned CGSC appearing on behalf of the Union of India submits that affidavit-in-opposition has been filed stating that the representation dated 08.02.2024 of the detenu was duly considered and not acceded to by the Central Government. Accordingly, the detenu along with

the authorities concerned were informed vide wireless message No. II/15023/01/2024-NSA, dated 20.02.2024. The said representation of the detenu was dealt promptly with utmost care and caution and there was no any willful or deliberate delay in disposal of the same on the part of the Union of India.

It has been further submitted that the report as envisaged under Section 3(5) of the NSA, 1980, was forwarded by the State Government vide letter dated 08.02.2024. A copy of the same was received in the Ministry vide e-mail dated 09.02.2024. Thereafter, the Central Government considered the report as envisaged under Section 3(5) of the NSA, 1980 on 13.02.2024. After due consideration, it was felt that there was no reason to interfere with the aforesaid detention order. Further, there is no provision in the act which provides that the Central Government has to inform the detenu about the consideration of the report as envisaged under Section 3(5) of the NSA, 1980.

[17] Furthermore, the learned CGSC submits that after filing the affidavit-in-opposition on behalf of the respondent No. 4, a copy of the representation dated 03.08.2024 was forwarded to the Secretary, Ministry of Home Affairs, Government of India only on 09.09.2024, vide its letter dated 09.09.2024 through e-mail.

Subsequently, the representation dated 03.08.2024 of the detenu was duly considered and not acceded to by the Central Government.

Accordingly, the detenu along with authorities concerned were informed vide wireless message dated 12.09.2024.

[18] After hearing the learned counsel for the parties, it is unequivocally emerges that there is a delay of 1 (one) month in considering the representation of the petitioner by the Central Government. The fact of lapses in disposing the representation of the petitioner by more than 1 (one) month is factually correct and the same is admitted by the learned counsels for the respondents. The only recourse adopted by the learned counsel for the official respondents is blaming each other in regard to the admitted delay in disposing of the representation.

[19] At this stage, we are not concerned as to whose fault it is for delaying and taking more than 1 (one) month in disposing of the representation. We are concerned with the admitted delay in disposing of the representation. In this regard, reference may be made to the observations of the Hon'ble Supreme Court order as narrated hereinabove and the relevant paragraphs of the reports reproduced herein above. Accordingly, the facts and circumstances of the present case are squarely covered by the ratio of the Hon'ble Supreme Court's report above extracted decisions.

[20] As per the Hon'ble Supreme Court's decision in ***Aslam Ahmed Zahiri Ahmed Shaid*** (supra) and the observations made in Vijay Kumar's case (supra); it is well settled that a representation should be considered with reasonable expedition and any delay, supine indifference, slackness and

callous attitude on the part of the authority shall effect the further detention of the detenu.

[21] In our view, the supine indifference, slackness and callous attitude on the part of the authority which caused unreasonably delay in transmitting the representation, which was more than 1 (one) month, and in disposing of the representation, was avoidable and unexplained and has resulted in rendering the continued detention of the appellant illegal and constitutionally impermissible. We, accordingly, allow the writ petition (cril) and quash the impugned detention order dated 30.01.2024 and direct the detenu to be set at liberty forthwith, if not wanted in any other case.

[22] The present petition is disposed of, accordingly.

JUDGE

CHIEF JUSTICE

Bipin