

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

W.P.(CRL.) No. 10 of 2026

Yambem Manichandra Singh, aged about 52 years, F/o Shri Yambem Lalit Singh @ Tompok, a resident of Charangpat Mamang Leikai, P.S. Thoubal, District – Thoubal, Manipur – 795138.

... Petitioner

- Versus -

1. The State of Manipur represented by Chief Secretary, Government of Manipur, Babupara P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
2. The District Magistrate, Imphal East, District, P.O. & P.S. Porompat, Manipur – 795005.
3. The Union of India through the Secretary to the Government of India, Ministry of Home Affairs, Department of Internal Security, North Block, New Delhi-110001.

... Respondents

B E F O R E

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

For the petitioner : Mr. Ph. Sanajaoba, Advocate.

For the respondents : Mr. Th. Vashum, Deputy Government Advocate for respondent Nos. 1 and 2.

Mr. W. Darakeshwar, Senior Panel Counsel for Central Government for respondent No. 3.

Date of Judgment & Order : **09.06.2026**

JUDGMENT & ORDER
(ORAL)

[M. Sundar, CJ]

[1] The following abbreviations/short forms/references have been used in the order:

Sl. No.	Abbreviation/short forms/references for the sake of brevity/convenience and clarity	Full form/Expansion
1.	NSA	National Security Act, 1980 (65 of 1980)
2.	COFEPOSA	Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974
3.	R-1	State of Manipur represented by Chief Secretary, Government of Manipur, Babupara P.O. & P.S. Imphal, Imphal West District, Manipur
4.	R-2	District Magistrate, Imphal East, Manipur / Detaining Authority
5.	R-3	Union of India through the Secretary to the Government of India, Ministry of Home Affairs, Department of Internal Security, North Block, New Delhi-110001
6.	WP	Writ Petition
7.	Detenu	Shri Yambem Lalit Singh @ Tompok, S/o Yambem Manichandra Singh, aged about 22 years, a resident of Charangpat Mamang Leikai, P.S. Thoubal, Thoubal District, Manipur – 795138.
8.	Father of detenu	Shri Yambem Manichandra Singh, a resident of Charangpat Mamang Leikai, P.S. Thoubal, Thoubal District, Manipur – 795138.
9.	FIR	First Information Report
10.	UAPA	Unlawful Activities (Prevention) Act, 1967 (37 of 1967)
11.	BNSS	Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023)
12.	BNS	Bharatiya Nyaya Sanhita, 2023 (45 of 2023)

13.	Impugned preventive detention order	Order dated 08.03.2026 bearing reference No. Cril./NSA/No.1 of 2026/315 made by R-2
14.	Impugned approval order	Order dated 16.03.2026 bearing reference No. H-14/3/2026-HD-HD made by R-1
15.	Impugned confirmation order	Order dated 08.04.2026 bearing reference No. H-14/3/2026-HD-HD made by R-1
16.	Sr. PCCG	Senior Panel Counsel for Central Government

[2] Captioned WP has been filed with a habeas corpus plea *qua* detenu who is now incarcerated in Manipur Central Jail, Sajiwa, Imphal East, Manipur *inter alia* owing to a preventive detention order dated 08.03.2026 bearing reference No. Cril./NSA/No.1 of 2026/315 made by detaining authority i.e., R-2.

[3] In the hearing, Mr. Ph. Sanajaoba, learned counsel on record for writ petitioner, Mr. Th. Vashum, learned State counsel for R-1 and R-2 and Mr. W. Darakeshwar, learned Sr. PCCG are before this Court (Physical Court). R-1 has filed an affidavit-in-opposition dated 30.05.2026 (wrongly mentioned as 30.05.2025 in the affidavit-in-opposition), R-2 has filed an affidavit-in-opposition dated 29.05.2026 (wrongly mentioned as 29.05.2025 in the affidavit-in-opposition) and R-3 has filed an affidavit-in-opposition dated 16.05.2026. To be noted, R-2 is detaining authority.

[4] The afore-referred impugned preventive detention order made by R-2 was approved by R-1 *vide* order dated 16.03.2026 bearing reference No. H-14/3/2026-HD-HD made by R-1 in exercise of power under Section 3(4) of NSA Act (impugned approval order) and it was subsequently confirmed by R-1 in and *vide* order dated 08.04.2026

bearing reference No. H-14/3/2026-HD-HD made by R-1 in exercise of power under Section 12(1) of NSA Act (impugned confirmation order).

[5] Learned counsel for writ petitioner, in his campaign against the afore-referred impugned preventive detention order made by R-2 (detaining authority) which was subsequently approved and confirmed by R-1 *vide* impugned approval and confirmation orders, notwithstanding myriad grounds in the WP, predicated his challenge on one point and that one point is, in the grounds of detention dated 09.03.2026 (served on the detenu on 11.03.2026 at 06:15 p.m.) the detaining authority *vide* paragraph 10 threat has prescribed a time limit of 3 (three) weeks {from the date of detention} for making representation to the Government of Manipur as well as Central Government. Learned counsel submits that such fixing of time frame for the detenu to make representations to State Government (appropriate Government as well as Central Government) is a clear infraction of rights enshrined in Article 22(5) of the Constitution of India. In support of his contention, learned counsel for writ petitioner pressed into service two case laws namely, ***Mutum Ranjan Meitei's*** case reported in ***2026 (1) MNLJ 126 : 2026 Legal Eagle 6*** and ***Smt. Laishram Nilajit Shija's*** case reported in ***2026:MNHC:43-DB (Manipur High Court neutral citation)***. To be noted, further details of these two cases are ***Mutum Ranjan Meitei @ Lamjingba -vs- District Magistrate, Thoubal, Thoubal District & Ors.*** being order dated 11.02.2026 made in W.P.(Crl.) No. 34 of 2025 and ***Smt. Laishram***

Nilajit Shija -vs- State of Manipur & Ors. being order dated 12.03.2026 made in W.P.(Crl.) No. 1 of 2026. In ***Laishram Nilajit Shija, Mutum Ranjan Meitei*** has been followed and both judgments have been rendered by this Division Bench by respectfully following ***Prem Lata Sharma*** rendered by Hon'ble Supreme Court i.e., ***Prem Lata Sharma [(1998) 4 SCC 260]***. To be noted, in ***Prem Lata Sharma***, the principle laid down by Hon'ble Supreme Court is, right of a detenu to make representations subsists as long as preventive detention order operates. To be noted, there will be a little more elaboration on these case laws elsewhere infra in this order.

[6] Learned counsel for writ petitioner, submitted that 3 (three) weeks time from the date of detention elapsed on 30.03.2026 and detenu did not make any representation either to State Government or to the Central Government as he was under the firm belief that he cannot make the representation after 3 (three) weeks from the date of detention had elapsed. It was submitted that this has been clearly articulated in the WP, more particularly in paragraph 10 and ground (e) thereat which read as follows :

'10. That, it is humbly submitted that in paragraph No. 10 of the grounds of detention under Section 8 of the NSA, 1980 [Annexure – N/2], it has been informed by the Respondent No. 2 that the detenu have a right to make a representation to Respondent No. 1 & 3 against the impugned order of detention order and he is given the earliest opportunity for making such representation and these representation should be submitted within 3 (three) weeks time from the date of detention, i.e. 08-03-2026. However, since the detenu has been incarcerated in Manipur Central Jail, Sajiwa in pursuance of the impugned detention order he could not make the said representations to

the concerned authorities within the stipulated time period or thereafter. In other words, the detenu is under the firm itself belief that he cannot make any representation after three weeks owing to the time period being fixed in the grounds of detention [Annexure -N/2]. The relevant paragraph No. 10 of the said grounds of detention [Annexure – N/2] is reproduced herein below:

"That, you are hereby informed that your have a right to make representation to the Government of Manipur as well as to the Central Government against this order of detention passed against you and you are hereby given the earliest opportunity for making such representation. If you wish to do so, your representation is to be sent through the Superintendent of Manipur Central Jail, Sajiwa to the Chief Secretary, Government of Manipur", Manipur Secretariat, South Block, Imphal, Manipur – 795001 in respect of representation to the Government of Manipur and to the "Secretary to the Government of India, Ministry of Home Affairs" (Department of Internal Security), North Block, New Delhi – 110001 in respect of representation to the Central Government and should be submitted within 3 weeks time from the date of detention. Further, you are hereby informed that you have the right to make representation to the detaining authority within 12 days from the date of detention or until the order is approved by the State Government whichever is earlier. The representation is to be sent to the District Magistrate, Imphal East District, Porompat, Manipur – 795005 through Superintendent, Manipur Central Jail, Sajiwa. The representation if any would be placed before the Advisory Board within 3 weeks time from the date of your detention as the Government is bound under law to produce before the board for its consideration."

GROUNDS

- a)
- d)
- e) *For that, that fixing of time period by the Respondent No. 2 in the grounds of detention [Annexure-N/2] for submitting representations to the Respondent No. 1 and 3 has infringed the right of the detenu enshrined under Article 22(5) of the Constitution of India.'*

[7] It was further pointed out that in response to the afore-referred grounds raised with clarity and specificity, R- 1 and R-3 in their counter affidavits dated 30.05.2025 and 16.05.2026 respectively have merely said that this is in the domain of R-2 (detaining authority) and it is for R-2 (detaining authority) to respond to this. It was further pointed out that R-2 (detaining authority) in her affidavit-in-opposition dated 29.05.2026 has merely referred to Section 10 of NSA Act and averred that it prescribes three weeks time frame. Relevant paragraphs in the counter affidavit of R-1 are paragraphs 7 and 10 and the same read as follows:

'7. That, with reference to para Nos. 10 and 11 of the writ petition, the deponents begs to submit that the content in these paras are closely related to District Magistrate, Imphal East, Manipur. Hence, District Magistrate, Imphal East, Manipur may offer comment.

10. That, with reference to Para Nos. 16(d) and 16(e) of the Writ Petition, the deponent has no comment to offer as the same may be replied by the District Magistrate, Imphal East, Manipur.'

R-3 has merely submitted that there is no allegation against R-3 and has left it to detaining authority to respond, this is *vide* paragraph 3 and the same reads as follows:

'3. That, none of para of the petition is related to action taken by the Respondent No.3 i.e., the Ministry of Home Affairs. All averments are related to the other respondents and as such no reply is being given for these in this affidavit by the answering respondent.'

[8] Thereafter, it was pointed out that counter affidavit of R-2 (detaining authority) is significant, relevant paragraphs are paragraphs 9 and 13 and the same read as follows:

'9. That, with reference to Para No.10 of the Writ Petition, the deponent begs to submit that the detenu was provided the

prescribed timeline as admissible U/S 10 of the said Act, and representation through Superintendent of Police, Manipur Central Jail, was permitted for placing the same before the Advisory Board/Committee.

13. That, with reference to Para No.11(e) of the Writ Petition, the deponent denied the allegations made therein as the period for submission of representation is specifically provided under the Act.'

[9] It was reiterated that R-2 has merely taken umbrage under Section 10 of NSA Act but Section 10 of NSA Act merely prescribes 3 (three) weeks time frame for the appropriate Government to place the grounds before the Advisory Board and it merely says that the grounds should be placed before the Advisory Board by the appropriate Government within 3 (three) weeks together with representation '**if any**'.

[10] In response to the afore-referred point, learned counsel for R-1 and R-2, drew our attention to afore-referred paragraphs 9 and 13 of the affidavit-in-opposition of R-2 dated 29.05.2026 (wrongly mentioned as 29.05.2025) and submitted that the intention *qua* paragraph 10 of the grounds of detention is merely to let the detenu know that if he makes a representation within 3 (three) weeks, the same will be placed before the Advisory Board though it has not been articulated well. In this regard, it is deemed appropriate to extract and reproduce paragraph 10 of grounds of detention, this Court does so and the same reads as follows:

'10. That, you are hereby informed that you have a right to make representation to the Government of Manipur as well as to the Central Government against this order of detention passed against you and you are hereby given the earliest opportunity for making such representation. If you wish to do so, your representation is to be sent through the Superintendent, Manipur Central Jail, Sajiwa to the "Chief Secretary, Government of Manipur", Manipur

Secretariat, South Block, Imphal, Manipur-795001 in respect of representation to the Government of Manipur and to the "Secretary to the Government of India, Ministry of Home affairs" (Department of Internal Security), North Block, New Delhi-110001 in respect of representation to the Central Government and should be submitted within 3 weeks time from the date of detention. Further, you are hereby informed that you have the right to make representation to the detaining authority within 12 days from the date of detention or till the order is approved by the State Government whichever is earlier. The representation is to be sent to the District Magistrate, Imphal East District, Porompat, Manipur-795005 through Superintendent, Manipur Central Jail, Sajiwa. The representation if any would be placed before the Advisory Board within 3 weeks time from the date of your detention as the Government is bound under law to produce before the board for its consideration.'

It was submitted that it is not happily worded but the intention is only to make the detenu know that if he makes a representation within 3 (three) weeks, the same will be placed before the Advisory Board. Besides this argument, learned counsel placed reliance on a case law namely, ***Union of India -vs- Paul Manickam & Anr. [(2003) 8 SCC 342]*** and submitted that a detenu who does not make any representation cannot be heard to contend that fixing of time frame is infraction of Article 22(5) of Constitution of India.

[11] As regards learned Sr. PCCG for R-3, learned State counsel for Central Government very fairly submits that R-3 is more in the nature of a formal party, R-3 has not received representation but there is no allegation whatsoever against R-3 in the WP. Therefore, a short counter affidavit has been filed and R-3 really does not have a say with regard to afore-referred contestation turning on fixing of time limits for making representations.

[12] This Court now embarks upon the legal drill of discussion and setting out its dispositive reasoning.

[13] In the afore-referred **Mutum Ranjan Meitei**, this Court respectfully followed **Ameena Begum** rendered by Hon'ble Supreme Court and wrote that a preventive detention order is justiciable at least on 7 (seven) different grounds in a judicial review and adumbration of these 7 (seven) grounds has been set out in paragraph 7. The relevant paragraph in **Mutum Ranjan Meitei's** case in this regard is paragraph 7 and the same reads as follows:

[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.'

[14] Instant case is one of detaining authority not applying its mind i.e., not applying mind in fixing 3 (three) weeks time frame for the detenu for making representations to State and Central Governments by misreading Section 10 of NSA Act which prescribes 3 (three) weeks time frame for the State Government to place grounds of detention before Advisory Board and merely adds that State Government while doing so shall also place representation 'if any' from the detenu. Be that as it may, in **Mutum Ranjan Meitei**, this Court respectfully following **Prem Lata Sharma** rendered by Hon'ble Supreme Court, made it clear that fixing of time frames by detaining authority in the grounds, for the detenu for making representations is clearly an infraction of Article 22(5) of the Constitution of India. To be noted, on facts, **Mutum Ranjan Meitei** was also a case of preventive detention order under NSA Act and that was also a case where time frame was fixed by detaining authority for the detenu to make representations. Subsequently, in **Laishram Nilajit Shija**, this Court reiterated **Mutum Ranjan Meitei**. To be noted, on facts, **Laishram Nilajit Shija** is also a case where the detaining authority had fixed time frames for the detenu to make representations. Relevant paragraph in **Laishram Nilajit Shija** is paragraph 16 and the same reads as follows:

[16] *As would be evident from paragraphs 5 and 6 of grounds of detention (extracted and reproduced supra), the detaining authority has fixed time frames for sending representations to the detaining authority, State Government as*

well as the Central Government. This is the reason why the detenu has sent the 2nd representation i.e., representation dated 08.12.2025 to the Hon'ble Advisory Board. Hon'ble Supreme Court in **Premlata Sharma (Smt.) vs. District Magistrate, Mathura & Ors.** reported in **(1998) 4 SCC 260** held that there can be no period of limitation regarding exercise of the right of a 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 corresponding/axiomatic obligation of State subsists so long as the preventive detention order continues to operate. This Court, respectfully following **Premlata** principle laid down by Hon'ble Supreme Court in order dated 11.02.2026 in **W.P. (Crl.) No. 34 of 2025 (Mutum Ranjan Meitei @ Lamjingba vs District Magistrate, Thoubal District & Ors.)** reported in **2026 (2) MNLJO : 2026 Legal Eagle 6** which is a case of preventive detention order couched in a language akin to the impugned preventive detention order as regards paragraph 5 & 6, held that fixing of timeframes for sending representations is a clear infraction of sacrosanct Constitutional right enshrined in Article 22(5). This Court is informed that this 11.02.2026 order in **W.P. (Crl.) No. 34 of 2025** has since been given effect to and the detenu has since been enlarged. Most relevant portions of **Mutum Ranjan Meitei** case are contained in paragraph 10 & 11 and relevant portions reads as follows:

[10] ... 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 '**Premlata 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, **Premlata** 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 **Premlata**, 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 **Premlata** 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.'*

To be noted, in afore-referred paragraph 16 of **Laishram Nilajit Shija**, relevant paragraph of **Mutum Ranjan Meitei** had been extracted and reproduced.

[15] This Court carefully considered the submissions of learned State counsel for R-1 & R-2 i.e., the submissions that the intention of the detaining authority in fixing 3 (three) weeks time frame for the detenu to make representations is only to let the detenu know that if he makes representation within 3 (three) weeks, the same will be placed before the Advisory Board though it has neither been clearly articulated in the grounds nor are the grounds happily worded. Even on a demurer, this argument does not pass muster and it does cut ice with this Court for two clear reasons. The first reason is, 3 (three) weeks time frame has been fixed by the detaining authority *vide* paragraph 10 of the grounds of detention not merely for the representation to be made by the detenu to State Government but it has been fixed for the representation to be made

by the detenu to Central Government also. If the intention of the detaining authority was merely to ensure representation is made and the same is placed before the Advisory Board within 3 (three) weeks, 3 (three) weeks time frame (if at all) should have been fixed for the representation to be sent to the State Government alone. To be noted, this Court makes it clear that time frame cannot be fixed and this is only a test on a demurer. Therefore, it is not mandatory that the detenu should make representation within 3 (three) weeks. A detenu can make a representation to the State Government even after 3 (three) weeks as the State Government has the power to revoke a detention order at any time by resorting to Section 14 of NSA Act. The second reason as to why the argument does not cut ice with this Court is the clear language in which Section 10 of NSA Act is couched and Section 10 of NSA Act 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.'

[16] A plain reading of afore-referred Section 10 of NSA Act makes it clear that 3 (three) weeks time frame fixed thereat applies only to the appropriate Government namely R-1 (State Government) and not the detenu. Moreover, Section 10 of NSA Act makes it clear that R-1 shall

place the grounds of detention before the Advisory Board along with representation 'if any' meaning that if there is a representation from the detenu, the same shall also be placed before the Advisory Board. It is axiomatic that if there is no representation from the detenu within 3 (three) weeks, it will suffice if the State Government places the grounds of detention before the Advisory Board and it is not mandatory or compulsory *qua* State Government to place the representation of the detenu. Any representation made to State Government post three weeks from the date of detention will be considered (expeditiously, without delay) by the State Government *inter-alia* in the light of Section 14 of NSA Act. These two reasons, even on a demurer, flattens the argument of learned State counsel for R1 and R2 does not cut ice with this Court. In any event, it is made clear that time frames cannot be fixed in the light of ***Prem Lata*** principle i.e., time frame cannot be fixed even for a representation to be made to State Government as sanctus right of the detenu in this regard subsists as long as the preventive detention order operates.

[17] This takes this Court to ***Paul Manickam*** which was pressed into service by learned State counsel. ***Paul Manickam*** is a case which arose under COFEPOSA. A preventive detention order was made on 26.04.2000 and on 11.05.2000 detenu's father addressed a representation to the Hon'ble President of India and thereafter within 4 (four) days i.e., on 15.05.2000 a habeas corpus petition was filed before

Madras High Court and in this habeas corpus petition, the writ petitioner had averred that one representation had been sent to the State of Tamil Nadu and another representation had been sent to Union of India. This was clearly incorrect as representation had been sent to Hon'ble President of India. Be that as it may, 3 (three) different points were raised in the legal drill of habeas corpus and the habeas corpus writ petition was dismissed and thereafter, a review application was filed on 08.12.2000 and in the review application, citing the representation sent to the Hon'ble President of India, the preventive detention order was interfered with by the High Court. It is in this context that Hon'ble Supreme Court, made it clear that the writ petitioner had not come to Court with clean hands, had not made correct averments and had for all practical purposes misled the Court and therefore, the writ petitioner does not deserve any relief in the hands of Court. Hon'ble Supreme Court made it clear that sending a representation to Hon'ble President of India thereafter deflecting the course of justice by letting loose red herrings is an unclean approach which is unacceptable. The facts of ***Paul Manickam*** are clearly distinguishable.

[18] This Court in writing that the facts of ***Paul Manickam*** are distinguishable, respectfully follows the declaration of law made by Hon'ble Supreme Court in ***Padma Sundara Rao (Dead) v. State of Tamil Nadu*** reported in ***(2002) 3 SCC 533***. As regards ***Padma Sundara Rao***, this Court chooses to use the expression '*declaration of*

law rather than *'ratio'* as ***Padma Sundara Rao*** was rendered by a Constitution Bench of Hon'ble Supreme Court. On facts, ***Padma Sundara Rao*** arose under Central Land Acquisition Act i.e. 'Land Acquisition Act, 1894'. The question in ***Padma Sundara Rao*** was whether after quashing of Section 6 declaration, will State get a fresh period of one year to make another declaration under Section 6. In this factual matrix, the Constitution Bench of Hon'ble Supreme Court went into the question of how case laws should be cited and relied upon. It was made clear that case laws should be cited and relied upon only after setting out the facts and one factual difference can make a world of difference. This principle was declared as law by the Constitution Bench *inter alia* by referring to ***Lord Morris in Herrington v. British Railways Board***. Relevant paragraph in ***Padma Sundara Rao*** is paragraph 9 and the same reads as follows:

'9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgement as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in Herrington V. British Railways Board. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases.'

[19] Respectfully following ***Padma Sundara Rao*** declaration, this Court has no hesitation in coming to the conclusion that ***Paul Manickam*** is clearly distinguishable on facts and does not come to the aid of the learned State counsel for R-1 and R-2. The reason is, unlike

Paul Manickam, this is not a case of misleading the Court or incorrectly averring in the WP that the detenu has sent a representation to a particular authority after having sent it to another authority who is the highest authority in the Country namely Hon'ble President of India. Suffice to write that **Paul Manickam** does not come to the aid of learned State counsel for this reason and also because the principle is different. Principle has been set out in paragraph 19 of **Paul Manickam** and the same reads as follows:

'19. As noted supra, for the first time in the review application it was disclosed that the representation was made to the President of India and no representation was made to the State of Tamil Nadu or the Union of India who were arrayed in the writ petition as parties. This appears to be a deliberate attempt to create confusion and reap an undeserved benefit by adopting such dubious device. The High Court also transgressed its jurisdiction in entertaining the review petition with an entirely new substratum of issues. Considering the limited scope for review, the High Court ought not to have taken into account factual aspects which were not disclosed or were concealed in the writ petition. While dealing with a habeas corpus application undue importance is not to be attached to technicalities, but at the same time where the court is satisfied that an attempt has been made to deflect the course of justice by letting loose red herrings the court has to take serious note of unclean approach. Whenever a representation is made to the President and the Governor instead of the indicated authorities, it is but natural that the representation should indicate as to why the representation was made to the President or the Governor and not the indicated authorities. It should also be clearly indicated as to whom the representation has been made specifically, and not in the manner done in the case at hand. The President as well as the Governor, no doubt are constitutional Heads of the respective Governments but the day-to-day administration at respective levels is carried on by the Heads of the Departments/Ministries concerned and the designated officers who alone are ultimately responsible and accountable for the action taken or to be taken in a given case. If really the citizen concerned genuinely and honestly felt or was interested in getting an expeditious consideration or disposal of his grievance, he would and should honestly approach the real authorities concerned and would not adopt any dubious devices with the sole aim of deliberately creating a situation for delay in consideration and cry for relief on his own manipulated ground, by directing his representation to an authority which is not directly immediately concerned with such consideration.'

Therefore, the principle is, a manipulated ground flowing from dubious deliberate deflection should not aid a detenu.

[20] Learned State counsel, made a faint attempt to submit that the facts in ***Prem Lata*** are slightly different. This Court carefully considered this argument. ***Prem Lata*** also arose under NSA Act. In ***Prem Lata***, representation to State Government was made and the same was rejected and a copy of the said representation along with para wise comments was forwarded to Government of India and Central Government also rejected the representation. Thereafter, the detenu made another representation to the Government of India but the representation given to Superintendent of Jail in which the detenu was incarcerated was not sent to the Central Government on the ground that it had been sent after an extraordinary delay. It is in this context that Hon'ble Supreme Court went into the question as to whether time frame can be fixed for sending representations and whether the concept of delay in sending representations by the detenu can be countenanced in preventive detentions. It was made clear that delay on part of State in disposing of the representation can be infraction of binding with rights enshrined in Article 22(5) of Constitution of India but the detenu has to be given earliest opportunity to make an effective representation and the right of the detenu to make a representation *vide* Article 22(5) *qua* a preventive detention order subsists as long as the preventive detention order operates. Therefore, ***Prem Lata*** is not distinguishable on facts and

the principle applies squarely to instant case. This principle laid down in ***Prem Lata*** has been respectfully followed by this Court in ***Mutum Ranjan Meitei*** and ***Laishram Nilajit Shija***. To be noted, as regards ***Mutum Ranjan Meitei*** and ***Laishram Nilajit Shija***, this Court is informed without any dispute by the learned State counsel that the State has released the detenus accepting the orders of this Court. To put it differently, ***Mutum Ranjan Meitei*** and ***Laishram Nilajit Shija*** have been given legal quietus by State and have attained finality. In any event, both these judgments viz., ***Mutum Ranjan Meitei*** and ***Laishram Nilajit Shija*** were rendered by this Court by respectfully following Hon'ble Supreme Court *vide* ***Prem Lata*** and ***Ameena Begum***.

[21] Before concluding, this court deems it appropriate to write/record (only for the purposes of completion of facts) that the impugned preventive detention order is predicated on a lone FIR i.e., FIR dated 26.12.2025 on the file of LLI Police Station (this Court is informed that LLI stands for Lamlai) being FIR No. 111(12)2025 LLI-PS for alleged offences under Sections 109(1)/111(2)/310(6)/329(3) BNS and 25(1-C) Arms Act added 20 UAPA.

[22] This Court is acutely conscious that a preventive detention order can be made even on the basis of a lone FIR but the point is, pursuant to this lone FIR, the detenu was arrested on 26.12.2025 at 08:30 p.m. 90 (ninety) days therefrom elapsed on 05.04.2026. Learned counsel for writ petitioner, on instructions, asserts that State has neither filed final

report nor filed for extension of time for filing final report or for extension of remand by resorting to Section 43D(2) of UAPA. To be noted, final report is to be filed within 90 (ninety) days from the date of arrest and as regards UA(P)A Act, offences *vide* Section 43D(2) there is a provision for prosecution to seek extension of time and extension of remand up to 180 (one hundred and eighty) days. Though 90 (ninety) days from the date of arrest elapsed on 05.04.2026, until this day (09.06.2026) State has neither filed final report (charge sheet) nor resorted to Section 43D (2) of UAPA and filed an application for extension of time for filing final report / extension of remand. This in effect means that the detenu is entitled to seek default bail. This Court makes it clear that this Court is not interfering with the impugned preventive detention order now on this ground but this is being recorded only for completely and comprehensively capturing facts and making it clear that as regards regular prosecution after letting the matter slip away in regular Trial Court. State which has not even sought extension of remand / extension of time for filing final report is now detaining the detenu solely on the basis of impugned preventive detention order which has been subsequently approved and confirmed by R-1 on 16.03.2026 and 08.04.2026 respectively.

[23] In the light of narration, discussion and dispositive reasoning set out thus far, this Court has no hesitation in writing that the impugned preventive detention order made by R-2 on 08.03.2026 approved and confirmed by R-1 on 16.03.2026 and 08.04.2026 deserve to be

dislodged/set aside on the ground that there is clear infraction of sanctus rights enshrined in Article 22(5) and vested in the detenu.

[24] Ergo, the sequitur is, captioned WP is allowed. The impugned detention order dated 08.03.2026 bearing reference No. Cril/NSA/No.1 of 2026/315 made by R-2 (detaining authority), approval order dated 16.03.2026 bearing reference No. H-14/3/2026-HD-HD and confirmation order dated 08.04.2026 bearing reference No. H-14/3/2026-HD-HD made by R-1 are all set aside and Shri Yambem Lalit Singh @ Tompok, S/o Y. Manichandra Singh of Charangpat Mamang Leikai, P.S. Thoubal, Thoubal District, Manipur aged about 22 years now lodged in Central Jail Sajiwa, Imphal East, Manipur is directed to be set at liberty forthwith, if not required in any other case/s. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

FR/NFR

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