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WP-33978-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

&amp;

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

ON THE 1<sup>st</sup> OF OCTOBER, 2026WRIT PETITION No. 33978 of 2026

CNR No.: MPHC020331372026

*LUCKY @ LAKHAN**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Ashutosh Sharma, learned counsel for the petitioner.

Shri Pradyumna Kibe, learned counsel for the respondent/state.

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ORDER

*Per. Justice Subodh Abhyankar*

The present petition, in the nature of habeas corpus, has been filed challenging the orders dated 30.04.2026 and 30.07.2026 passed by Respondent No. 3 under Section 3 of the National Security Act, 1980 (hereinafter referred to as “the NSA”), on the ground that the detention of the petitioner is illegal and contrary to the mandatory provisions of law.

2. The facts, in brief, are that the petitioner is a resident of Indore and has a criminal antecedent, having been implicated in 37 criminal cases and subjected to 14 preventive proceedings and one externment proceeding. In view of the aforesaid criminal antecedents, the District Magistrate, Indore (Respondent No. 3), initially passed an order of externment on 13.04.2026,



which was subsequently extended for a further period of three months vide order dated 13.07.2026.

3. Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to the fact that the initial order of detention does not specify the period for which the petitioner was to be detained. It is further submitted that the order dated 30.04.2026 was communicated to the Central Government only on 08.05.2026. In this regard, learned counsel has referred to Annexure R/6, being a communication issued by the Additional Secretary, Government of Madhya Pradesh, Home Department, concerning confirmation of the petitioner's detention.

4. Learned counsel for the petitioner has further submitted that, although the aforesaid communication bears the date 08.05.2026, the record does not disclose the actual date, on which, it was dispatched or communicated to the Central Government. Even assuming that the communication was sent on the date borne by it, the same was beyond the prescribed period of seven days from the date of the detention order dated 30.04.2026. It is, therefore, contended that the respondents have failed to comply with the mandatory statutory requirements, and thus, the detention order unsustainable in law.

5. Learned counsel for the petitioner has also contended that the initial order of detention is independently vitiated, as it does not specify the period for which the petitioner was to be detained. The order merely refers to the exercise of power under Section 3(2) of the NSA without specifying the period of detention, contrary to the requirements of the Act.



6. *Per contra*, learned counsel appearing for the respondents/state has opposed the petition and submitted that the respondents have placed all relevant documents concerning the detention on record. It is contended that the order was communicated to the Central Government on 08.05.2026 and that the alleged delay of one day, if any, cannot be considered unreasonable so as to invalidate the detention. It is further submitted that, even if the initial order dated 30.04.2026 did not specify the period of detention, the subsequent order dated 30.07.2026 clarified that the petitioner was to remain detained for a further period of three months. Accordingly, the petition deserves to be dismissed.

7. We have heard learned counsel for the parties and perused the record. In order to appreciate the rival submissions, it would be appropriate to refer to the relevant provisions of Sections 3(3) and 3(5) of the NSA, which govern the communication of detention orders and the reporting of such orders to the Central Government:-

3(3) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may, by order in writing, direct, that during such period as may be specified in the order, such District Magistrate or Commissioner of Police may also, if satisfied as provided in sub-section (2), exercise the powers conferred by the said sub-section:

Provided that the period specified in an order made by the State Government under this sub-section shall not, in the first instance, exceed three months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.

3(5) When any order is made or approved by the State Government under this section, the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.

(emphasis supplied)



8. A perusal of Section 3(3) of the NSA makes it evident that an order of detention passed by a District Magistrate or a Commissioner of Police, as the case may be, is required to be made in writing and must specify the period for which the detention order is to remain in force. In the present case, it is an admitted position that the initial order of detention does not specify any period of detention. The omission goes to the validity of the order itself and cannot be treated as a mere procedural irregularity.

9. In view of the aforesaid discussion, we are of the considered opinion that an order of detention suffering from such a fundamental infirmity cannot be sustained in law, nor can the defect be cured by passing a subsequent order purporting to extend the period of detention. A subsequent order cannot retrospectively validate an earlier order that is invalid at its inception.

10. We further find that the respondents have failed to establish compliance with the requirement of Section 3(5) of the NSA. The detention order was passed on 30.04.2026, whereas the communication concerning the confirmation of detention is dated 08.05.2026 that would be the eight day from 30.04.2026. The communication addressed to the Central Government, as placed on record, also bears the date 08.05.2026, but does not contain any endorsement indicating the date of its dispatch. Consequently, the record does not satisfactorily establish that the requisite information was communicated to the Central Government within the prescribed period of seven days. Even assuming that the communication was sent through e-mail on 08.05.2026, the respondents have not demonstrated compliance with the



statutory timeline. The respondents have, therefore, failed to establish compliance with the mandatory requirements of Sections 3(3) and 3(5) of the NSA. The impugned detention order and the consequential action founded thereon cannot, in these circumstances, be sustained in the eyes of law.

11. Accordingly, the petition is **allowed**. The impugned detention order dated 30.04.2026 and the consequential order dated 30.07.2026 are hereby quashed. The respondents are directed to release the petitioner forthwith, if he is not required to be detained in connection with any other case or under any other lawful order.

No order as to costs.

(SUBODH ABHYANKAR)  
JUDGE

(JAI KUMAR PILLAI)  
JUDGE

Sourabh