

GAHC020005622025



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : W.P.(Crl.)/20/2025

SHRI THANGTINLEN CHANGSAN
BROTHER OF CH. LAMKHONEI KHONGSAI, RESIDENT OF LHUNGJANG
VILLAGE, KANGPOKPI DISTRICT, MANIPUR

VERSUS

STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY, NAGALAND KOHIMA

2:THE SPECIAL SECRETARY (HOME)
NORTH BLOCK 1ST FLOOR
NAGALAND CIVIL SECRETARIAT
NAGALAND KOHIMA

3:THE SUPERINTENDENT OF JAIL
DISTRICT JAIL
DIMAPUR NAGALAND

4:THE UNION OF INDIA
REPRESENTED BY THE JOINT SECRETARY (PITNDPS) MINISTRY OF
FINANCES
DEPT. OF REVENUE
6TH FLOOR
B WING
JANPATH BHAWAN
NEW DELHI-11000

**Advocate for the Petitioner : ZASITSOLIE, MHALE WEO,MEDO
KIKHI**

Advocate for the Respondent No. 4 : Mr. Z. N. Ngullie, Advocate

For the Respondent(s) No. 1, 2&3 : Ms. Inaholi, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
HON'BLE MR. JUSTICE PRANJAL DAS
ORDER

03/09/2025

(D. Baruah, J)

Issue notice, making it returnable on 10th September, 2025.

Ms. Inaholi, learned Government Advocate accepts notice on behalf of the respondent No. 1, 2 and 3.

Mr. Z. N. Ngullie, learned counsel appears on behalf of the respondent No. 4.

Extra copies of the writ petition be served upon them during the course of the day.

The petitioner herein is aggrieved by the action on the part of the respondent authorities detaining the detenue under preventive detention in terms with the PITNDPS Act, 1988. It is the case of the petitioner that the petitioner has already been arrested and is in judicial custody and therefore, applying the law as laid down by Supreme Court in the case of ***Huidrom Konungjao Singh Vs. State of Manipur and Others*** reported in (2012) 7 SCC 181, the respondent authorities could not have passed the detention order as well as the subsequent orders.

The respondent Nos. 1, 2 and 3 are directed to produce the records on the next date without fail.

This Court further grants liberty to the respondent No. 2 to file affidavit if so advised, in support of the detention order on or before the next date.

JUDGE

JUDGE

Comparing Assistant