

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.37586 of 2014

BETWEEN

Maheshwari.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Chief Secretary,
Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. D. PURNA CHANDRA REDDY

Counsel for the Respondents: ADVOCATE GENERAL

The Court made the following:

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ORDER:

The wife of the detenu has filed this writ petition questioning the order
of detention dated 27.08.2014 passed by the Collector and District

Magistrate, Chittoor, as confirmed by the Government under G.O.Rt.No.3404 General Administration (Law & Order) Department dated 10.10.2014.

2. *Inter alia*, the principal contention raised by the petitioner is that the order of detention was passed by the in-charge Collector, who was holding substantial post of Joint Collector in the absence of regular Collector and District Magistrate, Chittoor District.

3. Learned Advocate General does not dispute the said factual aspect and the very same issue was considered by this Court in WP.No.32710 of 2014 and batch dated 02.03.2015 wherein this Court allowed the batch of writ petitions on the ground that the in-charge Collector is not empowered to pass the detention order as regular Collector under Section 3 of AP Act 1 of 1986.

In view of the above, the impugned order is quashed and the writ petition is allowed as prayed for. The detenu is entitled to be released and is accordingly directed to be released forthwith unless his presence is required in any other criminal case and subject to appropriate proceedings in such criminal case. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 11, 2015

Note: Order be sent today itself.

(B/o) DSK