

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-

-

W.P. NO. 32903 of 2014

-

Date of Judgment: 9.3.2015

Between:

M. Mahaboob Jan

...Petitioner

And

Government of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-

-

W.P. NO. 32903 of 2014

-

ORDER:

Heard learned counsel for the parties

Wife of the detenu who is detained under the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No. 1 of 1986) has filed this writ petition questioning the detention order dated 27.8.2014, as confirmed by the Government in G.O.Rt.No. 3396, General Administration (Law & Order)

Department, dated 10.10.2014.

The petitioner has filed W.P.M.P.No. 7750 of 2015 seeking to raise additional grounds that the order of detention was passed by the in charge District Collector & District Magistrate, as such the impugned detention order is without jurisdiction under A.P. Act 1 of 1986. The said application is not opposed and it is accordingly ordered.

It is not in controversy that the order of detention was passed by the then Joint Collector who was in charge of the office of District Collector & District Magistrate. In W.P.No. 32710 of 2014 and batch, dated 2.3.2015 I had considered and held that the Joint Collector is not empowered to pass order of detention under Section 3 (2) of the A.P. Act 1 of 1986 and in view of that, therefore, the order of detention cannot be sustained on that ground. Rest of the grounds are not necessary to be gone into as the order of detention is liable to be set aside on the ground mentioned above.

The writ petition is accordingly allowed and the detention order is quashed. The detenu Syed Firaan Mohd. Rafi shall be released from custody forthwith if he is not required in any other case.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 9.3.2015

NB:

Operative portion of this order be communicated in advance.

/BO/

KR