

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 35656 of 2014

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Date of Judgment: 10.3.2015

Between:

Shabana Khanam

...Petitioner

And

The State of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 35656 of 2014

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ORDER:

Wife of the detenu has filed this writ petition questioning the detention order dated 27.8.2014 passed by the 2nd respondent under the provisions of 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), which was confirmed by the 1st respondent in G.O.Rt.No. 3397, General Administration (Law & Order) dated 10.10.2014.

Heard learned counsel for the petitioner as well as learned Advocate General appearing for the respondents.

One of the principal contentions raised in the writ petition is that the detenu is a resident of Karnataka State and is only acquainted with Urdu language, study certificate issued by Government Urdu Higher Primary School, Bangalore is also appended to the writ petition and since the grounds of detention supplied to the detenu are in English and Telugu language, it is contended that the detenu has lost valuable right to make an effective representation. Other ground urged is that the order of detention was passed by the Joint Collector who was in charge of Collector & District Magistrate and as such he was not empowered to pass the order of detention.

The learned Advocate General does not dispute that the detaining authority was in charge Collector and District Magistrate on the date of passing of the detention order and fairly states that the matter is covered by the judgment of this Court in W.P.No. 32710 of 2014 and batch, dated 2.3.2015 wherein 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.

In view of that, the writ petition is allowed, the detention order is quashed and the detenu Asif Ali Khan s/o Abdul Razak Khan 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. 10.3.2015

NB:

Advance order already sent on 10.3.2015

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