

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 33925 of 2014

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Date of Judgment: 10.3.2015

Between:

A. Doraswamy

...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. 33925 of 2014

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ORDER:

Father 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. 3394, General Administration (Law & Order) dated 10.10.2014.

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

Two principal grounds are urged in support of the writ petition viz., that the detenu was granted bail in 7 crimes which are relied upon in the grounds of detention, whereas it is stated in the detention order that only in Cr.No. 78 of 2014 of P.S. SR Puram the detenu was granted bail and it was not brought to the notice of the detaining authority that the detenu was also granted bail in six other crimes. Second ground urged is that the detaining authority was in charge of Collector and District Magistrate and held substantial post of Joint Collector and was not empowered to pass the detention order.

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 Arni Ramesh Babu @ Oil Ramesh 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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