

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

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

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.34372 of 2013

BETWEEN

Mohd. Ali.

... PETITIONER

AND

The Government of Andhra Pradesh, Rep. by its Principal Secretary, Home
Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioners: MR. T. KOTESHWARA PRASAD

Counsel for the Respondents: GP FOR HOME

The Court made the following:

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ORDER:

Petitioner seeks a Mandamus to direct respondents 2 and 3 to invoke
the provisions of the Preventive Detention Act against respondents 4 and 5

on the ground that in spite of decree dated 12.04.2007 granted in favour of the petitioner in O.S.No.689 of 2006 on the file of the Junior Civil Judge, Mancherial against the father of respondents 4 and 5, there is continuous interference and attempts to trespass into the said property by respondents 4 and 5.

Petitioner states that he has filed a complaint dated 20.11.2013 before third respondent but the acts of respondents 4 and 5 continue unabated.

2. Respondents have filed a counter affidavit and petitioner filed a reply affidavit also.

3. I am, however, unable to see any legal right in the petitioner to seek a Mandamus to direct the respondent police to invoke the provisions of the preventive detention laws against respondents 4 and 5. It is well settled that such drastic action under the Preventive Detention Act is required to be taken by the competent authority only on subjective satisfaction that such an action is warranted and as such, a Mandamus cannot be issued to the first respondent, in particular, to take action against respondents 4 and 5 under the prevention detention laws.

The writ petition is clearly misconceived and cannot be sustained and is accordingly dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 4, 2015
DSK