

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.5318 of 2015

ORDER:

Heard.

The petitioner claims that he has a share in Ac.05-35 cents in Sy.Nos.187 and 188 situated at Kasapuram Village, Guntakal Mandal, Anantapur District and based on that, he states that he has a legal right to protect his property from the wrong doers. He alleges that the 6th respondent and her henchman have violated the law for which a cognizance is required to be taken under the A.P. Prevention of Dangerous Activities of Boot – Leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic offenders and Land Grabbers Act, 1986 and under IPC. Alleging inaction on the part of respondents 3 and 4 in initiating appropriate action against the land grabbers, who have resorted to create void and sham sale deeds relating to the aforesaid land and on the ground that no action is taken in spite of the representation, dated 17-12-2014 and the Preventive Detention Act aforesaid is not invoked, the present writ petition is filed.

I find it difficult to accept the contention of the petitioner and I cannot subscribe the prayer of the petitioner in seeking a Mandamus against respondents 3 and 4 compelling them to invoke Preventive Detention Act against the 6th respondent or any other person. It is well established that the law in the nature of preventive detention deprives the detainee of fundamental right and the said Act can be resorted to only where the detaining authority has reached a substantive decision that the detention of a person named is essential and that person cannot be dealt with under the normal laws and a regular legal environment. The prayer as sought for by the petitioner, would amount this court directing the detaining authority to pass a detention order against the 6th respondent or any person and thereby depriving the detaining authority its discretion and subjective satisfaction.

In my view, such a relief cannot be granted. However, the petitioner is at liberty to invoke appropriate provisions of law and ventilate his grievance for an

appropriate remedy, if he is able to substantiate his allegations.

With the aforesaid liberty, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 19-03-2015

Prv

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