

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1563 OF 2015

Date:27.02.2015

Between:

Shaheda Begum

.. Petitioner

And

The Sate of Telangana, rep., by its
Principal Secretary, Department of Home,
Secretariat, Hyderabad and others

.. Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents.

The petitioner herein is the wife of a detainee, by name, Mohammed Khaiser, who is alleged to have been detained under the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbing Act, 1986 (A.P. Act No.1 of 1986), since 07.08.2014 and is lodged in Central Prison, Cherlapalli. The petitioner alleged that the detainee was shifted to the barrack, which is meant for convicted and under-trial prisoners, and thereby he is deprived of having private cooking and his rights while as an inmate are violated, which is contrary to the manner of detention under the A.P. Act No.1 of 1986. It is also alleged that there is an attempt to shift the petitioner's husband by removing him from the jurisdiction of the 4th respondent and lodging him in some other prison. With the said allegations, the present Writ Petition is filed seeking the relief as prayed for.

A counter affidavit is filed on behalf of the Superintendent, Central Prison, Cherlapalli, Ranga Reddy District, which states that the petitioner's husband has been detained under the A.P. Act No.1 of 1986 and lodged in prison from 07.08.2014. The allegations made by the petitioner are denied and it is stated that the petitioner's husband is detained and confined to Sharada Block, which is meant for

confinement of detenues, and he is not mingled with convicted and under-trial prisoners, as alleged. It is also stated that food is prepared and supplied to all the detenues apart from allowing food articles from outside, as per Rules. It is further stated that on account of the capacity of the prisoners having crossed 1800 prisoners as against the authorised accommodation of 1490, a proposal was sent for shifting 12 detenues, including the petitioner's husband, to other Jails in Telangana State. However, no orders from the Government are received so far. It is therefore specifically stated that the detenues, including the petitioner, are separated from the convicted prisoners/under-trial prisoners and as per the present Rules, the petitioner's husband is allowed to cook his own food. Further allegation of the petitioner that the detenues are likely to be shifted is still awaiting Government Orders and even otherwise the prerogative with regard to the shifting from one Jail to another cannot be questioned by the petitioner as the Government has right to shift the detenues.

The counter affidavit is also accompanied by the order of detention as well as a copy of the request made to the Government for permitting shifting of 12 detenues, which includes the petitioner.

From the averments of the counter affidavit, it is clear that the petitioner's husband as a detinue is not mingled with convicted and under-trial prisoners and as per Rules, he is allowed to cook food. Hence, both the said allegations of the petitioner are found to be incorrect.

So far as the allegation of shifting of the detinue is concerned, the same is awaiting orders from the Government and as on today the detinue continues to be in Central Prison, Cherlapalli.

Hence, the Writ Petition is misconceived and the same is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

27.02.2015
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