

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 41096 of 2014

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Date of Judgment: 26.3.2015

Between:

Y. Tulasamma

...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. 41096 of 2014

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ORDER:

Heard learned counsel for the parties.

Wife of the detenu has filed this writ petition questioning the detention order dated 27.8.2014 passed by the second respondent, as confirmed by the first respondent in G.O.Rt. No. 3065, General Administration (Law & Order) Department, dated 6.9.2014 and G.O.3385, General Administration (Law & Order) Department, dated

9.10.2014. While the writ petition questions the detention order on various other grounds, the petitioner has now filed WPMP No. 8476 of 2015 seeking to raise an additional ground. The said application being not opposed is ordered. By the said application, the petitioner questions the detention order on the ground that the said detention order was passed by in charge Collector and District Magistrate, Chittoor district who was holding substantial post of Joint Collector. The said factual aspect is not in dispute and the learned Advocate General states that counter-affidavit of the same officer who was in charge of the Collector and District Magistrate is already filed.

I have already considered the very same issue in a judgment dated 2.3.2015 in W.P.No. 32710 of 2014 and batch and held that the in charge Collector and District Magistrate is not empowered to pass the order of detention under Section 3 of A.P. Act 1/86.

Hence following the aforesaid judgment, this writ petition is allowed, the impugned detention order is quashed and the detenu Yagnam Chandrasekhar shall be released from custody forthwith if not required in any other case.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 26.3.2015

NB:

The order be communicated to the concerned authorities
today itself.

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