

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.23203 of 2016

DATED:- 22-11-2016

Between:

Smt.Ishrat

..... PETITIONER

AND

The State of Telangana, rep.by its Chief Secretary,
(Law & Order) Department,
Telangana Secretariat, Hyderabad and 2 others

.....RESPONDENTS

COUNSEL FOR THE PETITIONER : Sri MIRZA NISAR AHMED BAIG

COUNSEL FOR RESPONDENTS : G.P.FOR HOME (TG)

THE COURT MADE THE FOLLOWING:



THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.23203 of 2016

JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed by the wife of one Rayeesuddin @ Mussaji (for short, "the detenu") for issue of Habeas Corpus directing to release of the detenu, who was detained by order, dated 04.05.2016, of respondent No.2, under Section 3(2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas Immoral Traffic Offenders and Land Grabbers Act, 1986 (for short, "the Act").

We have heard the learned counsel for the petitioner and the learned Govt. Pleader for Home (TG).

A perusal of the detention order shows that the detenu is allegedly accused of committing four offences, namely, cheating the gullible public by assuring them that their problems will be solved through black magic.

Having regard the nature of the offences alleged against the detenu, we are of the opinion that the same do not cause disturbance to public order and instead at best it can be said that they pertain to law and order problem. The respondents, instead of dealing with the detenu under the ordinary criminal laws, have invoked the provisions of the preventive detention law which are held to be draconian and intended to deal with habitual offenders whose acts constitute disturbance to public order. In that view of the matter, the impugned detention order cannot be sustained.

The writ petition is accordingly allowed. The impugned order of detention, passed by Respondent No.2, dated 04.05.2016 is set aside and

the detenu-Rayeesuddin @ Mussaji, S/o.Abdul Aziz is directed to be released from the detention forthwith, if he is not required in any other case.

As a sequel to disposal of the Writ Petition, WPMP No.28570 of 2016, filed by the petitioner for interim relief, shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

Date: 22.11.2016
Dsr

M.S.K.JAI SWAL,J

