

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI
WRIT PETITION No.16229 OF 2016**

O R D E R

(Per Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the detention of the petitioner's husband, Mirza Baig, under detention order dated 15.03.2016 passed by the Collector and District Magistrate, Chittoor, in exercise of power under Section 3(1) (2) read with Sections 2(a) and 2(g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for brevity, 'the Act of 1986'). The said detention was confirmed by the Government of Andhra Pradesh under G.O.Rt.No.946, General Administration (Law & Order) Department, dated 02.05.2016 as required under the Act of 1986.

Though various grounds are sought to be urged by Sri D. Purna Chandra Reddy, learned counsel for the petitioner, in support of his attack against the subject detention, we find that a lengthy adjudication is not warranted on all aspects. One issue raised by the petitioner, which is of significance and which is squarely covered by the judgments of this Court in **VASANTHU SUMALATHA V/s. STATE OF ANDHRA PRADESH REP. BY ITS CHIEF SECRETARY, HYDERABAD**¹ and Writ Petition No.4805 of 2016 dated 03.08.2016, is that the detenu has not been supplied all the documents relied upon by the detaining authority in arriving at subjective satisfaction as to the necessity of the detention in question in a language known and understood by the

¹ 2016 (1) ALT 738 (D.B.)

detenu. The detenu knows only Urdu and Kannada languages whereas all the relevant material documents supplied to him are in Telugu and English languages. This aspect of the matter is not controverted by the learned Special Government Pleader who also concedes that translated copies of such documents were not furnished to the detenu.

Learned Government Pleader would however contend that the signature of the detenu was obtained on each page of the material supplied to him under an endorsement in Urdu language and reads to the effect that the contents of each such page had been read over and explained to the detenu in Urdu, the language known to him. However, it would be well-nigh impossible for the detenu to retain in his memory the contents of each such page which was read over and explained to him in Urdu at one go and that is the reason why it is incumbent upon the detaining authority to make available translated copies of such documents in a language known and understood by the detenu. Merely reading over the contents of such documents in a vernacular language known and understood by the detenu would be wholly insufficient to safeguard his constitutional right. This contention is therefore of no avail to the State.

In the light of the law laid down by this Court in the afore-stated judgments, we find that the State failed to live up to the constitutional mandate of safeguarding the right of a detenu to effectively make a representation against the detention by making available to him all the relevant documents relied upon by the detaining authority. Unless such documents are made available to the detenu in a language known and understood by such detenu,

the purpose of delivering such documents to the detenu is rendered futile. Even if the detenu is not in a position to read the vernacular language himself, it would always be open to such detenu to avail the assistance of his family and friends to know the contents of the translated documents made available to him so as to facilitate him in formulating an effective representation against his detention. The State admittedly failed in its constitutional duty in this regard in the present case.

In the light of the admitted failure of the State, we allow the writ petition and accordingly set aside the detention order dated 15.03.2016 passed against the petitioner's husband, Mirza Baig, by the Collector and District Magistrate, Chittoor, and the consequential confirmation thereof under G.O.Rt.No.946 dated 02.05.2016. The detenu, Mirza Baig, shall be set at liberty forthwith unless his confinement is required in relation with any other case. No order as to costs.

SANJAY KUMAR,J

M.SEETHARAMA MURTI,J

7TH SEPTEMBER, 2016

PGS