

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

-
WRIT PETITION NO.4792 OF 2016

-
ORDER

(per Hon'ble Sri Justice Sanjay Kumar)

Challenge in this writ petition is to the detention of the petitioner's son, Syed Younus, under order dated 04.11.2015 of the Commissioner of Police, Cyberabad Commissionerate, which was approved by the Government of Telangana vide G.O.Rt.No.3025, General Administration (Law & Order) Department, dated 13.11.2015. The said detention was thereafter confirmed by the Government of Telangana under G.O.Rt.No.200, General Administration (Law & Order) Department, dated 29.01.2016, extending it for a period of 12 months from the date of actual detention, 05.11.2015.

Though various points are sought to be urged by Ms. K.N.Vijaya Lakshmi, learned counsel for the petitioner, impugning the validity of the petitioner's son's detention, we find that the matter falls within a narrow compass and is amenable to resolution on a single ground obviating the necessity of embarking upon a detailed examination of the other issues.

The material furnished to the detaining authority and, thereafter, to the detenu, forming the basis of the detention order and the grounds of detention, is placed before us. Perusal thereof reflects that there are various documents in Telugu, such as confessional and recovery panchanamas and the information report which gave rise to Crime No.277 of 2015 on the file of Mallardevpally Police Station, which have been relied upon by the detaining authority in arriving at subjective satisfaction that the detention of Syed Younus was warranted in terms of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986.

It is a settled proposition of law that when material documents relied upon by the detaining authority are furnished to the detenu, care should be taken to see that the detenu is capable of reading and understanding the contents thereof. If not so, the State must necessarily make available

translations of such documents, be they in English or in a vernacular language, into a language known and understood by the detenu. **(VASANTHU SUMALATHA V/s. STATE OF ANDHRA PRADESH REP. BY ITS CHIEF SECRETARY, HYDERABAD^[1], HARIKISAN V/s. STATE OF MAHARASHTRA^[2], STATE OF BOMBAY V/s. ATMA RAM SRIDHAR VAIDYA^[3], HADIBANDHU DAS V/s. DISTRICT MAGISTRATE^[4], CHAJU RAM V/s. STATE OF JAMMU AND KASHMIR^[5], BHOLA BHUIYA V/s. THE STATE OF WEST BENGAL^[6], POWANAMMAL V/s. STATE OF TAMIL NADU^[7], A.C.RAZIA V/s. GOVERNMENT OF KERALA^[8] and V.MUTHUVELU V/s. STATE OF ANDHRA PRADESH^[9]).**

In the present case, the detenu is a Muslim boy and his mother filed a sworn affidavit before this Court stating to the effect that he studied intermediate in Arabic and English languages only and could speak Urdu but could not write or read the said language. She further stated that he does not know Telugu.

Though the learned Government Pleader would point out that the detenu did pursue Telugu as a second language during his schooling, we are not convinced that the same would be sufficient for him to read or understand the subject handwritten Telugu documents. In effect, the material documents in Telugu furnished to the detenu were neither translated nor were the contents thereof explained to him, thereby diluting his constitutional right of effectively making a representation against his detention.

In the light of this failure on the part of the State, we set aside the order of detention passed against the petitioner's son, Syed Younus, under order dated 04.11.2015 of the Commissioner of Police, Cyberabad Commissionerate, which was thereafter confirmed and extended for a period of 12 months under G.O.Rt.No.200, General Administration (Law & Order) Department, dated 29.01.2016. The petitioner's son, Syed Younus, shall be

set at liberty forthwith if his confinement is not required in relation to any other case.

The writ petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M.SEETHARAMA MURTI, J

24th AUGUST, 2016

Svv

-
- [\[1\]](#) 2016 (1) ALT 738 (D.B.)
 - [\[2\]](#) AIR 1962 SC 911
 - [\[3\]](#) (1951) SCR 167
 - [\[4\]](#) AIR 1969 SC 43
 - [\[5\]](#) AIR 1971 SC 263 = (1970) 1 SCC 536
 - [\[6\]](#) (1975) 3 SCC 253
 - [\[7\]](#) (1999) 2 SCC 413
 - [\[8\]](#) (2004) 2 SCC 621
 - [\[9\]](#) W.P.NO.8022 OF 2015 DECIDED ON 22.09.2015