

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

WRIT PETITION No.16211 of 2016

Dated: 26.10.2016

Between:

P.Subhashini .. Petitioner

and

The State of Andhra Pradesh,
Rep. by its Chief Secretary,
Secretariat Buildings, Hyderabad,
and others. .. Respondents

Counsel for the petitioner : Mr. D.Purnachandra Reddy

Counsel for the respondents : Mr. C.S.Surya Prakash Rao
Special Government Pleader (A.P)



The Court made the following order:

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

WRIT PETITION No.16211 of 2016

ORDER: *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Seeking release of one Palagudi Raghavulu Naidu (hereinafter referred to as 'the detenu'), who was detained under Section 3 (1) (2) read with Section 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, the wife of the detenu filed this writ petition.

Apart from various grounds raised challenging the detention order, the petitioner has raised an additional ground that representation, dated 03.05.2016, made by the petitioner was not considered by respondent No.1.

Mr. D.Purnachandra Reddy, learned counsel for the petitioner, has drawn our attention to U.O.Note No.01086/PAGB/A1/2016, dated 17.05.2016, issued from the office of respondent No.1, perusal of which would show that, as many as 12 representations received by it were sent to Home Department for taking necessary action under intimation to the individuals concerned. The representation made by the petitioner is also included in the annexure to the said U.O. Note. Though the petitioner raised the specific plea that her representation was not disposed of, the respondents did not aver that such representation was disposed of.

In **Ranbir Singh vs. T.George Josep, District Magistrate, Meerut and another¹**, the Supreme Court has quashed preventive detention order on the sole ground that the State has not discharged its responsibility of disposal of the representation as enjoined by Article 22 (5) of the Constitution of India.

Having regard to the uncontroverted fact that the petitioner's representation was not disposed of, the impugned detention cannot be sustained as the same is opposed to Article 22 (5) of the Constitution of India.

For the aforementioned reasons, the impugned detention order is set aside and the detinue – Mr. Palagudi Raghavulu Naidu shall be released forthwith from detention.

The writ petition is, accordingly, allowed.

As a sequel to allowing the Writ Petition, WPMP.38347 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C. V. NAGARJUNA REDDY, J

M. S. K. JAISWAL, J

26.10.2016
v v

¹ 1990 (Supp) SCC 54

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

WRIT PETITION No.16211 of 2016



Dated: 26.10.2016