

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY, THE FOURTEENTH DAY OF JUNE, TWO THOUSAND AND SIXTEEN
(14.06.2016)

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

-
WRIT PETITION No.39207 OF 2015

Smt. Rani Bai.

Petitioner.

And

The State of Telangana,
Rep. by the Chief Secretary,
General Administration
(Law and Order) Department,
Telangana Secretariat, Hyderabad
and five others.

Respondents.

Counsel for the petitioner

: Mr. M. Govind Reddy.

Counsel for the respondents
Nos.1 to 3.
Home

: Government Pleader for

(TS).

This Court made the following:

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

The wife of Kishan Singh (hereinafter referred to as 'the detenu') filed this Writ Petition assailing proceedings No.C3/6057/2016 dated 07-09-2015 of respondent No.2 as approved vide G.O.Rt.No.2562, General Administration (Law and Order) Department, dated 16-09-2015 and confirmed vide G.O.Rt.No.2991, General Administration (Law and Order) Department dated 10-11-2015 by respondent No.1.

We have heard Sri M. Govind Reddy, learned Counsel for the petitioner and the learned Government Pleader for Home (TS).

The impugned detention order was made treating the detenu as a bootlegger. While the detention order refers to as many as ten previous cases pending against the detenu, the grounds of detention referred to and relied upon seven fresh cases against him. In all these cases, the accusation against the detenu is that he was found in possession of Illicit Distilled Liquor (ID Liquor) for sale.

The learned Counsel for the petitioner submitted that some of the chemical analysis reports do not contain the dates of the letters addressed by the Prohibition and Excise Inspectors to the Government Chemical

Examiners and that therefore the laboratory analysis reports relied upon by the detaining authority have no legal validity.

We are afraid, we cannot accept this submission. An order of preventive detention is made to prevent a person from committing offences which have the effect of disturbing public order.

While dealing with Section 3(1) of the Preventive Detention Act 1950 which is in pari materia with the provisions of Section 3(1) of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, insofar as it relates to the aspect of 'satisfaction' concerned, the Supreme Court in **State of Bombay Vs. Atma Ram Sridhar Vaidya**^[1], held that the detaining authority exercises the power of detention on its subjective satisfaction; that the subjective satisfaction of the detaining authority is not justiciable; that therefore it would not be open to the detenu to ask the Court to consider the question as to whether the satisfaction of the detaining authority is justified by application of objective tests; and that it would not be open, for instance, to the detenu to contend that the grounds supplied to him do not necessarily or reasonably lead to the conclusion that if he is not detained he would indulge in prejudicial activities.

In **Rameshwar Shah Vs. D.M. Burdwan**^[2], the

Constitution Bench of the Supreme Court held that in a case where the ground of mala fides is urged, the detenu may challenge the validity of his detention and in support of the said plea he may urge that along with other facts which show mala fides the Court may also consider the grievance that the grounds served on him cannot possibly or rationally support the conclusion drawn against him by the detaining authority; that in such an incident, the subjective satisfaction of the detaining authority would become justiciable; and that otherwise the reasonableness or propriety of the satisfaction contemplated by Section 3(1)(a) cannot be questioned before the Courts.

The petitioner has not alleged mala fides. Therefore, in the light of the law laid down as above, this Court cannot look into the material relied upon by the detaining authority in order to find out whether the same supports its satisfaction.

The fact that as many as 16 criminal cases were registered against the detenu during the years 2014-15 is not disputed by the learned Counsel for the petitioner. Whether the detenu is liable to be convicted or he deserves to be acquitted in those cases, are aspects which fall outside the scope of the present Writ Petition. All that this Court is concerned with in the instant Writ Petition is whether the order of detention suffers from any legal defects or procedural irregularities. No such defects

or irregularities have been urged by the learned Counsel for the detenu. That the detenu is accused in as many as 16 cases pertaining to I.D. Liquor itself justifies the satisfaction of the detaining authority that he has become a menace to the society and that if he is not detained, there is a likelihood of his committing further offences affecting public order.

In the above facts and circumstances of the case, we are of the opinion that the order of detention, as approved and confirmed by respondent No.1 is not liable for interference.

For the above mentioned reasons, the Writ Petition is dismissed.

Justice C.V. Nagarjuna Reddy

Justice G. Shyam

Prasad

Date : 14-06-2016

Dsh/AM

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WRIT PETITION No.39207 OF 2015

(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

-
Date. 14-06-2016

DSH

[\[1\]](#) 1951 SCR 167

[\[2\]](#) AIR 1964 SC 334