

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

WRIT PETITION No.40793 of 2015

Dated: 28.06.2016

Between:

D.Seetharamireddy ..
Petitioner

and

The State of Telangana,
Rep. by its Principal Secretary,
Revenue Department,
Telangana Secretariat Buildings,
Hyderabad,
and others. ..
Respondents

Counsel for the petitioner: Ms. P.S.Bramaramba
Devi

Counsel for the respondents: G.P. for Home (T.S)

The Court made the following order:

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

Assailing the detention of one Smt.Dandaala Kotamma (hereinafter referred to as 'the detenu'), w/o. Veera Reddy, r/o. Bhavani Nagar, Kodad, her son filed this writ petition for issue of *habeas corpus* by directing the respondents to release the detenu after setting aside the detention order, *vide* Proc.No.C1/9870/2015, dated 04.11.2015, of respondent No.4.

2. We have heard the learned counsel for both the parties and perused the record.

3. A perusal of the grounds of detention shows that three criminal cases were registered against the detenu for the alleged offence of illegal sale of Illicitly Distilled Liquor (I.D liquor) and seizure thereof on three occasions, namely, 12.05.2015, 01.06.2015 and 24.06.2015. It is further evident from the grounds of detention that quantities of liquor seized from the possession of the detenu were 10 litres, 7 litres and 4 litres respectively in connection with which the aforementioned three cases were registered. Neither the order of detention nor the grounds thereof reveal that the detenu was indulging in

the activity of sale of I.D liquor any time prior to 12.05.2015, when the first of the three criminal cases was registered against her.

4. In the absence of the previous history of the petitioner indulging in similar offences and also the fact that the quantities seized from the possession of the petitioner are very low, we are of the opinion that invocation of the provisions of the Andhra Pradesh Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug Offenders, Goodas, Immoral Traffic Offenders and Land-Grabbers Act, 1986 (Telangana Adoption) Order 2015, is unwarranted and unsustainable.

5. The impugned detention order is therefore set aside with the direction that the detenu shall be released forthwith from the detention.

6. The writ petition is accordingly allowed.

7. As a sequel to allowing the Writ Petition, W.P.M.P.No.52665 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

T.SUNIL CHOWDARY,J

28.06.2016
v v