

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI
WRIT PETITION No.26739 OF 2016**

ORDER

(Per Sri Justice Sanjay Kumar)

The petitioner is the mother of Nethula Lalitha who was subjected to preventive detention under detention order dated 21.06.2016 passed by the Collector and District Magistrate, Hyderabad District, in exercise of power under Section 3(1) read with Sections 2(a) and (b) of the Telangana 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 approved by the Government of Telangana under G.O.Rt.No.1459, General Administration (Law & Order) Department, dated 28.06.2016 as required under the Act of 1986.

Perusal of the grounds of detention reflects that the detaining authority specifically recorded therein that he relied upon the opinion of the Government Chemical Examiner, Regional Prohibition and Excise Laboratory, Hyderabad, under his letter dated 20.06.2016 and the letter of the Civil Assistant Surgeon, R.M.O., Osmania General Hospital, Hyderabad, setting out the ill effects of consumption of illicit distilled liquor. The petitioner claims that her daughter does not know how to read or write English language and that she knows only Telugu. This fact is borne out by the fact that the detenu signed on each page of the material supplied to her by the detaining authority only in Telugu. The acknowledgment obtained by the Jailor, Special Prison for Women, Chanchalguda, Hyderabad, from the detenu also records that the detention order, the grounds of detention and the connected documents in English and the detenu's known language, Telugu, running into 157 pages, were received by her. The acknowledgment further records that

the contents of the detention grounds were read over and explained to her in the known language, Telugu.

Ms. B. Mohana Reddy, learned counsel for the petitioner, would raise various grounds in support of her attack against the subject detention. One of the contentions urged by her is that the Chemical Examiner's letter dated 20.06.2016 and the letter of the Civil Assistant Surgeon, Osmania General Hospital, which have been specifically relied upon by the detaining authority were not made available to the detenu in Telugu language, the only language known and understood by her. This aspect of the matter is not denied by the learned Government Pleader.

Learned Government Pleader would however contend that the contents of the letter of the Civil Assistant Surgeon, Osmania General Hospital, were summed up in the Telugu translation of the grounds of detention and therefore, it would not be necessary to furnish a separate translated document in this regard. However, he has no answer insofar as the letter dated 20.06.2016 of the Government Chemical Examiner, is concerned. In any event, when documents are relied upon by the detaining authority while arriving at subjective satisfaction in exercise of 'suspicion jurisdiction' as to the necessity of effecting preventive detention under the Act of 1986, it is necessary that all such documents are made available to the detenu in a language known and understood by such detenu. This constitutional safeguard cannot be belittled by reading down this requirement. We therefore reject the contention of the learned Government Pleader in this regard.

This being the factual situation, this Court is constrained to hold that the State failed in its constitutional duty of making available to the detenu all the relevant material relied upon by the detaining authority in a language known and understood by the detenu so as to enable her to exercise her constitutional right of effectively making a representation against her detention. When the detenu did not know English language, it was incumbent upon the detaining authority to make available

translated copies of all the English documents relied upon in arriving at subjective satisfaction that the subject detention was warranted in the interest of public order. (***VASANTHU SUMALATHA V/s. STATE OF ANDHRA PRADESH REP. BY ITS CHIEF SECRETARY, HYDERABAD¹***).

In the light of the admitted failure of the State to act as per the constitutional mandate, the writ petition is allowed. We accordingly set aside the detention of the petitioner's daughter, Nethula Lalitha, effected under detention order dated 21.06.2016 and the consequential G.O.Rt.No.1459 dated 28.06.2016. The detenu, Nethula Lalitha, shall be set at liberty forthwith, in the event her confinement is not required in relation with any other case. No order as to costs.



SANJAY KUMAR,J

M.SEETHARAMA MURTI,J

7TH SEPTEMBER, 2016

PGS

¹ 2016 (1) ALT 738 (D.B.)