

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

WRIT PETITION No.13919 of 2016

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner challenges G.O.Rt.No.527, General Administration (Law & Order) Department, dated 29.02.2016, whereby the Government of Telangana confirmed the detention order dated 03.12.2015 passed by the Commissioner of Police, Hyderabad, in exercise of power under Section 3(2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986. By the impugned GO, the Government of Telangana extended the detention of the detenu, Sahul Ameer, for a period of twelve months from the date of his actual detention, 07.12.2015.

2. Though various grounds are sought to be urged by *Sri K.Amarnath Reddy*, learned counsel for the petitioner, we are of the opinion that the matter is amenable to resolution on a short ground and lengthy adjudication of all the issues urged is not required. It is an admitted fact that the detenu knows only Tamil language. A specific reference was made to this in paragraph (10) of the affidavit and the counter filed by the Commissioner of Police, Hyderabad city does not dispute this. However, the Commissioner would state that the detenu was made available with the copies of the order of detention and the grounds of detention in both English and Tamil languages and therefore, no prejudice is caused to him.

3. This issue is no longer *res integra*. In *POWANAMMAL V/s. STATE OF TAMIL NADU*¹, the Supreme Court held that not only the order of detention but also the material relied upon by the detaining authority must be made

¹ (1999) 2 SCC 413

available to the detenu in a language known and understood by him so as to give full effect to the constitutional right under Article 22(5) of making an effective representation against such detention. This legal position was reiterated time and again in HADIBANDHU DAS V/s. DISTRICT MAGISTRATE², A.C.RAZIA V/s. GOVERNMENT OF KERALA³ and VASANTHU SUMALATHA V/s. STATE OF ANDHRA PRADESH REP. BY ITS CHIEF SECRETARY, HYDERABAD⁴.

4. In that view of the matter, as it is an admitted fact that various documents relied upon by the detaining authority, copies of which were furnished to the detenu, were in English and Hindi languages and Tamil translations thereof were not furnished to the detenu, there is an incurable failure on the part of the State. On this short ground, the detention of the petitioner, Sahul Ameen, stands vitiated and is rendered unsustainable in law.

5. The Writ Petition is accordingly allowed setting aside the detention order dated 03.12.2015 passed by the Commissioner of Police and Additional District Magistrate (Executive), Hyderabad, in relation to the detenu, Sahul Ameen, and also the consequential confirmation *vide* G.O.Rt.No.527, dated 29.02.2016. The detenu, Sahul Ameen, shall be set at liberty forthwith unless his confinement is required in relation to any other case.

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

27.09.2016
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² AIR 1969 SC 43

³ (2004) 2 SCC 621

⁴ 2016 (1) ALT 738 (D.B.)

