

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

WRIT PETITION No.16237 of 2016

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

The petitioner seeks to challenge the detention of his son, Amith Kumar Verma, under Order of Detention dated 13.04.2016 passed by the Commissioner of Police, Cyberabad, 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, which was confirmed thereafter by the Government of Telangana under G.O.Rt.No.1452, General Administration (Law & Order) Department, dated 27.06.2016.

2. Though various grounds are sought to be urged by *Sri Vijay Prashanth*, learned counsel for the petitioner, in support of his attack against the detention of the petitioner's son, we are of the opinion that the matter is amenable to resolution on a short ground. Copies of the material relied upon by the detaining authority and, thereafter, furnished to the detenu are placed before us. It is the case of the petitioner that his son knows only Hindi language being from Uttar Pradesh. While so, the learned counsel for the petitioner would point out that the documents relied upon by the detaining authority which were supplied thereafter to the detenu, the petitioner's son, are not only in English but also in Tamil and Telugu languages. It appears that only the order of detention and the grounds of detention were translated into Hindi language and copies thereof were made available to the detenu. This is evident from the material documents said to have been supplied to the detenu, copies of which are placed before us bearing his signature in Hindi on each page in proof of his receiving the same.

3. In the light of the law laid down by the Supreme Court in POWANAMMAL V/s. STATE OF TAMIL NADU¹, HADIBANDHU DAS V/s. DISTRICT MAGISTRATE², A.C.RAZIA V/s. GOVERNMENT OF KERALA³, it is incumbent upon the detaining authority to make available to the detenu all the documents relied upon in support of the detention order in a language known and understood by such detenu as to give proper meaning to the constitutional right of the detenu under Article 22(5) to make an effective representation against such detention.

4. In the light of the admitted failure on the part of the State to live up to this standard, we are constrained to hold the detention of the petitioner's son, Amith Kumar Verma, illegal and unsustainable on this short ground.

5. The Writ Petition is accordingly allowed setting aside the detention order dated 13.04.2016, which was thereafter confirmed vide G.O.Pt.No.1452 Dated 27.06.2016. The petitioner's son, Amith Kumar Verma @ Amit Verma, 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
RAR

¹ (1999) 2 SCC 413

² AIR 1969 SC 43

³ (2004) 2 SCC 621