

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

WRIT PETITION NO.13610 OF 2016

ORDER

(per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the sister of Rameswari alias Rajeswari alias Parameswari who was subjected to detention under the order dated 20.02.2016 passed by the Commissioner of Police, Hyderabad City, 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 (*hereinafter*, 'the Act of 1986'). The said detention was confirmed by the Government of Telangana by G.O.Rt.1076, General Administration (Law & Order) Department, dated 17.05.2016, and was extended for a period of 12 months from the date of commencement of the detention, 21.02.2016.

Though various issues are sought to be raised, we find that the matter is amenable to disposal on a short ground which is squarely covered by the earlier decision rendered by this Court.

The detenu appears to be illiterate as she affixed her thumb impression on the documents supplied to her by the detaining authority, which were relied upon by such authority while arriving at subjective satisfaction in relation to her detention. Further, the additional affidavit filed by the petitioner also confirms that her sister, the detenu, is illiterate and only knows Telugu and Hindi.

This being the admitted position, it appears that the relevant material relied upon by the detaining authority, being English documents, were furnished to the detenu without supplying the translated copies thereof. In the light of the law laid down by this Court in W.P.No.4805 of 2016 dated 03.08.2016, reiterating the settled legal position to this effect, as was also laid down in **VASANTHU SUMALATHA V/s. STATE OF**

ANDHRA PRADESH REP. BY ITS CHIEF SECRETARY, HYDERABAD¹, this would not be sufficient to meet the constitutional requirement of making available to the detenu all the relevant material to enable her to exercise her constitutional right of making an effective representation against her detention. The State necessarily has to make available translated copies of English documents which were relied upon by the detaining authority in a language known and understood by the detenu. Even if the detenu is not in a position to read such documents herself, she can avail the assistance of her family and friends to have such documents read over and explained to her so that she can make an effective representation against her detention.

In the light of this admitted failure on the part of the State, we allow the writ petition setting aside the detention order dated 20.02.2016 and G.O.Rt.No.1076 dated 17.05.2016 confirming the same in relation to the petitioner's sister, Rameswari alias Rajeswari alias Parameswari. The detenu, Rameswari alias Rajeswari alias Parameswari, shall be set at liberty forthwith unless her confinement is required in relation to any other case. Pending miscellaneous petitions shall stand closed in this light of this order. No order as to costs.

SANJAY KUMAR, J

M.SEETHARAMA MURTI, J

7th SEPTEMBER, 2016

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¹ 2016 (1) ALT 738 (D.B.)