

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 37058 OF 2015

DATED 21ST JUNE, 2016

Between:

Smt. Yamuna ... Petitioner

AND

The State of Telangana,
Rep. by its Chief Secretary to the Government,
General Administration (Law & Order) Department,
Secretariat, Hyderabad, and another ... Respondents

Counsel for the petitioner : Sri M.Achuta Reddy

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

THE COURT MADE THE FOLLOWING

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

This Writ Petition is filed by the daughter of one Bolgam Nagamani

(hereinafter referred to as 'the detainee') for issue of Writ of *Habeas Corpus* to set aside proceedings No. Spl/MBNR/Pd/2015 dated 19-09-2015, whereby the detainee was detained under the provisions of Section 3 (1) and (2) read with Section 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 short, 'the Act of 1986'), and G.O.Rt.No. 1640 General Administration (Law & Order) Department dated 10-06-2015 under which powers have been delegated to respondent No. 2 by respondent No. 1.

2. The detainee was detained on the allegation that she was involved in the activities of Bootlegger and that she was facing prosecution in as many as four criminal cases in connection with the said activity. The petitioner has filed W.P.M.P.No. 19622 of 2016, wherein she has *inter alia* averred that the detainee has been suffering from H.I.V. which fact came to the notice of the petitioner recently. In support of her averment, she has filed detailed medical reports and prescriptions.

3. When this case came up before us on 07-06-2016, we have adjourned the case to enable learned Government Pleader for Home (T.S.) to secure instructions on the above aspect. Today, at the hearing, learned Government Pleader for Home (T.S.) submitted that as per his oral instructions, the detainee is suffering from H.I.V.

4. Having regard to the fact that the detainee is a H.I.V. patient, we are of the opinion that humanitarian grounds warrant her release. The detainee has served detention for more than 9 months and taking humanitarian considerations into account, we feel that this is a fit case for setting aside the detention order. Accordingly, the impugned detention orders are set aside.

5. The Writ Petition is, accordingly, allowed.

6. As a sequel to disposal of the Writ Petition, W.P.M.P.Nos. 47714 of 2015 and 19622 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM PRASAD,

J.

Date: 21-06-2016.

JSK