

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND SIXTEEN
(18.10.2016)

PRESENT

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.16411 of 2016

Between:

Smt.Sunder Naresh Gharaniya

..... PETITIONER

AND

The State of Telangana, rep.by its Principal Secretary,
General Administration (Law & Order) Department,
Secretariat Buildings, Hyderabad and 2 others

.....RESPONDENTS

Counsel for the Petitioner : Sri S.SRI NIVASA SHARMA

Counsel for Respondents : G.P.for Home (TS)

The Court made the following:



THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.16411 of 2016

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

The detention of the son of the petitioner under the provisions 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") is assailed in this writ petition.

At the hearing, the learned counsel for the petitioner submitted that the son of the petitioner is A-2 in Cr.Nos.15/2016 and 16/2016 of Bowenpally Police Station and that A-1 in the said cases who was also detained under the Act filed W.P.No.8388 of 2016, which was disposed of by this Court, by order, dated 28.06.2016. He has placed before us a copy of the said order, wherein this Court held as under:

"2. A perusal of the grounds of detention shows that the detenu was involved in as many as five cases registered under the provisions of Immoral Traffic (Prevention) Act, 1956, by various police stations within Municipal Corporations area of Hyderabad and Secunderabad. Out of these five cases, two cases were registered in the years 2004 and 2005 and three cases were registered in 2014 and 2016.

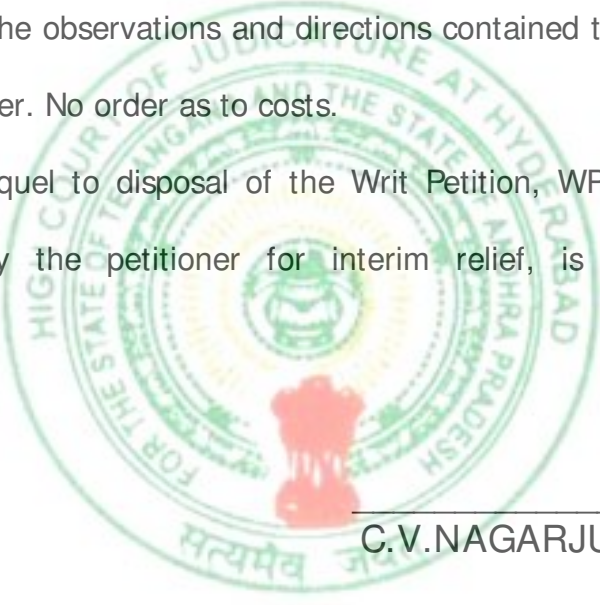
3. Considering the fact that the detenu has been under detention for nearly five months and the willingness of the detenu to leave the areas in which he is allegedly involved in immoral traffic activities and live outside the said area till the completion of the balance detention period, we are of the opinion that interests of both parties will be balanced if the detenu is released from detention subject to the condition that he shall, on his release, leave the Hyderabad Metropolitan Development Area and shall not re-enter the said area till 07.02.2017. To that effect, he shall file an undertaking in writing addressed to respondent No.2 and handover the same to the Superintendent, Chanchalguda Central Prison, Hyderabad, in

which he is presently detained, before he is released from the Central Jail.

It is made clear that in the event the detenu violates the undertaking or continues to indulge in repeating commission of offences in future, the respondents shall be free to take action against him, in accordance with law.”

Based on the reasons and the conditions imposed in the afore mentioned paragraphs, this Court has allowed the writ petition. The learned Government Pleader for Home has fairly conceded that the detenu in the present case is also situated similar to the detenu in W.P.No.8388 of 2016. In view of the same, this Writ Petition is also allowed, in terms of the order, dated 28.06.2016, in W.P.No.8388 of 2016, with the direction that the observations and directions contained therein shall form part of this order. No order as to costs.

As a sequel to disposal of the Writ Petition, WPMP No.20269 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.



C.V.NAGARJUNA REDDY,J

M.S.K.JAI SWAL,J

Date: 18.10.2016
Dsr