

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

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WRIT PETITION Nos.6317 and 18023 of 2016

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COMMON ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the wife of Sangepu Chakradhar who was subjected to preventive detention under Order of Detention dated 12.01.2016 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.

By way of W.P.No.6317 of 2016, the petitioner laid a challenge to the detention order dated 12.01.2016 passed by the Commissioner of Police, Hyderabad City. The said detention was approved by the Government of Telangana under G.O.Rt.No.135, General Administration (Law & Order) Department, dated 20.01.2016. Thereafter, the matter was referred to the Advisory Board and upon considering the report dated 18.02.2016 of the Advisory Board, the Government of Telangana confirmed the detention of Sangepu Chakradhar for a period of 12 months from the date of his detention, 13.01.2016, vide G.O.Rt.No.789, General Administration (Law & Order) Department, dated 04.04.2016. W.P.No.18023 of 2016 was filed by the petitioner challenging the confirmation and extension of her husband's detention for a period of 12 months.

Heard Sri M. Venkanna, learned counsel for the petitioner in both the cases, and the learned Government Pleader for Home appearing for the State.

Though various issues are sought to be canvassed against and in support of the detention of the petitioner's husband, we find that the issue is amenable to resolution on a short ground.

Perusal of the grounds of detention dated 12.01.2016 reflects

that the Commissioner of Police, Hyderabad City, referred to the crime history of Sangepu Chakradhar by referring to 11 cheating/ criminal cases in Hyderabad, Cyberabad and other States, including Andhra Pradesh, Maharashtra and Uttar Pradesh, wherein 66 stolen four wheeler vehicles were stated to have been procured by Sangepu Chakradhar through his associates by committing theft for sale to innocent prospective buyers. Thereafter, the Commissioner of Police, Hyderabad City, referred to the facts of four out of the 11 cases relating to Sangepu Chakradhar, which were said to have been committed in the recent past and would prove his activities prejudicial to maintenance of public order. These four cases were stipulated at Sl.Nos.1,2,3 and 4 in the grounds of detention. The Commissioner of Police, Hyderabad City, then stated as under:

“I am therefore satisfied that he is likely to be released from judicial custody soon. Having regard to his past and recent antecedents, on his release on bail, there is every likelihood of his indulging in similar prejudicial activities, which are detrimental to public order, unless he is prevented from doing so by an appropriate order of detention.” (emphasis added)

It is therefore clear from the aforestated extract that the detaining authority, the Commissioner of Police, Hyderabad City, specifically relied upon not only the recent antecedents of Sangepu Chakradhar, as spelt out by the four cases details of which were set out, but also his past antecedents.

There can be no doubt that the past antecedents which were relied upon in this regard were the remaining 7 out of the 11 cases involving 66 stolen four wheeler vehicles. These cases were not limited to the State of Telangana but arose in the States of Andhra Pradesh, Maharashtra and Uttar Pradesh. It is however not in dispute that the material relating to these 7 cases, which has been placed before us, was not furnished to the detenu, Sangepu Chakradhar. Learned Government Pleader fairly admits this fact.

In that view of the matter, as the detenu was not furnished all the material 'relied' upon by the detaining authority, the principle laid down by this Court in **VASANTHU SUMALATHA V/s. STATE OF ANDHRA PRADESH REP. BY ITS CHIEF SECRETARY, HYDERABAD**^[1], which was recently affirmed by us in W.P.No.4805 of 2016 dated 03.08.2016, to the effect that failure to supply documents relied upon by the detaining authority would result in denying him an opportunity to make an effective representation as guaranteed under Article 22(5) of the Constitution, would be squarely applicable. In consequence, the detention of the petitioner's husband, Sangepu Chakradhar, is rendered wholly illegal by this procedural lapse on the part of the State and cannot be sustained.

The writ petitions are accordingly allowed setting aside the impugned detention order dated 12.01.2016 passed by the Commissioner of Police, Hyderabad City, and the confirmation thereof by the Government of Telangana vide G.O.Rt.No.789, General Administration (Law & Order) Department, dated 04.04.2016. The petitioner's husband 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

10th August, 2016
PGS

^[1] 2016 (1) ALT 738 (D.B.)