

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

WRIT PETITION No.23772 OF 2016

O R D E R

(per Hon'ble Sri Justice Sanjay Kumar)

The petitioner challenges the detention of his brother, Jameer Khan alias Katiganahalli Jameer alias Ghouse Khan, who was subjected to preventive detention under the order dated 28.05.2016 of the Collector and District Magistrate, Chittoor, issued in exercise of power under Section 3(1)&(2) read with Section 2(a)&(g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986. The said detention was confirmed by the Government of Andhra Pradesh vide G.O.Rt.No.1690, General Administration (Law & Order) Department, dated 10.08.2016, whereby the detention of Jameer Khan alias Katiganahalli Jameer alias Ghouse Khan was extended for a period of twelve months from the date of his actual detention, 31.05.2016.

Though various issues are raised in the affidavit filed in support of the writ petition, Sri D.Purna Chandra Reddy, learned counsel for the petitioner, would state that the matter is squarely covered by the decision rendered by this Court in W.P.No.13365 of 2016.

A copy of the order dated 07.09.2016 passed by this Court in W.P.No.13365 of 2016 is placed on record and reflects that following the settled legal position, as was adverted to in **VASANTHU SUMALATHA V/s. STATE OF ANDHRA PRADESH**

REP. BY ITS CHIEF SECRETARY, HYDERABAD¹, this Court allowed the writ petition setting aside the detention in the said case on the short ground that the detenu was not supplied the material relied upon by the detaining authority in a vernacular language known and understood by the detenu.

In the present case, Sri D.Purna Chandra Reddy, learned counsel, states that the detenu, Jameer Khan alias Katiganahalli Jameer alias Ghouse Khan, knows how to speak Urdu language and that he is incapable of reading or writing any language.

Learned Special Government Pleader attached to the Office of the learned Advocate General, State of Andhra Pradesh, would point out that each page of the material supplied to the detenu bears an endorsement in Urdu which reads to the effect that the contents of each such page was explained to the detenu in his mother tongue, Urdu, and was understood by him. Each page bears the signature of the detenu in English under this endorsement. He admits to the fact that the documents relied upon by the detaining authority, which were supplied to the detenu, were in Telugu and English languages and translated copies thereof were not furnished to him.

Reading over and explaining the contents of all the documents to the detenu in his own language at one go would not be sufficient as the detenu may not retain in his memory the voluminous material explained to him and may not be in a position to recall the same when needed. Once translated copies of all the relevant material is provided to the detenu, it would be open to him to take the assistance of others, including his family and friends,

¹ 2016 (1) ALT 738 (D.B.)

to formulate an effective representation to the authorities against his detention. If the State fails in its constitutional duty of making available to the detenu all the material relied upon by the detaining authority in a language known and understood by him, it would violate his constitutional right. In the present case, there is clear indication of such failure.

In the light of the admitted failure on the part of the State to safeguard the constitutional right of the detenu to effectively make a representation against his detention by fully apprising him of all the details and materials relied upon by the detaining authority, the writ petition is allowed setting set aside the detention order dated 28.05.2016 which was confirmed thereafter vide G.O.Rt.No.1690 dated 10.08.2016. The detenu, Jameer Khan alias Katiganahalli Jameer alias Ghouse Khan, shall be set at liberty forthwith unless his detention is required in relation with 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

28th September, 2016

PGS