

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

AND

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No. 20631 OF 2016

DATED 15TH NOVEMBER, 2016

Between:

Janardhan Goud

... Petitioner

AND

The State of Telangana,
Through its Principal Secretary,
Prohibition & Excise Department,
Secretariat, Hyderabad, and another

.... Respondents

Counsel for the petitioner

: Sri B.Vijaysen 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 for issue of *habeas corpus* by declaring order in proceedings No. C3/1763/2016 dated 04-05-2016 of respondent No. 2 as confirmed by order dated 02-07-2016 of respondent No. 1 as illegal and setting the brother of the petitioner, Amruthaiah Goud (hereinafter referred to as 'the detenu'), free from detention.

2. Though an interesting issue pertaining to the jurisdiction of respondent No. 2 to pass the detention order against the detenu, who is not a resident of the State of Telangana, has been raised by the learned counsel for the petitioner and argued at length, learned Government Pleader for Home (T.S.) submitted that on the facts of the case, the issue raised in the Writ Petition may be left open for a decision in an appropriate case and that respondent Nos. 1 and 2 have no objection if the detention order is set aside subject to the condition that the detenu shall not enter the State of Telangana till the expiry of the balance detention period. Sri B.Vijaysen Reddy, learned counsel for the petitioner, submitted that his client has no objection for the above noted proposal made by learned Government Pleader.

3. In the light of the above submissions of learned counsel for the parties, we refrain from adjudicating the aforementioned issue raised in the Writ Petition while leaving the same open to be decided in an appropriate case. Accordingly, the impugned detention orders are set aside with the direction that the detenu shall be released forthwith from the detention, if he is not required in any other case (s), subject to his giving an undertaking in writing addressed to respondent No. 2 to the effect that immediately on his release, he will leave the State of Telangana and not re-enter it till the expiry of the balance detention period and

handover the same to the Superintendent, Central Prison, Cherllapally, Ranga Reddy District, who shall forward the same to respondent No. 2.

4. The Writ Petition is, accordingly, allowed to the extent indicated above.

5. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 25291 of 2016 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 15-11-2016.
JSK

A.V.SESHA SAI, J.

