

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE MS JUSTICE J.UMA DEVI

WRIT PETITION No.37439 of 2016

Date:14.6.2017

Between:

P.Rajeswari,

W/o Parthiban

..... Petitioner

And:

State of A.P. repled by its Chief Secretary,

Department of General Administration (L &O),

Velagapudi and three others.

.....Respondents

Counsel for the petitioner: Mr. Vinod Kumar Deshpande

Senior counsel

For Mr. Vikas Joshi

Counsel for the respondents: Mr. C.S.Surya Prakash Rao

Special Government Pleader (AP)

The Court made the following:

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

The wife of one Kandaswamy Parthiban @ Parthipan @ Parthi Bahi, S/o Kandaswamy (hereinafter referred to as "detenu") filed this Writ Petition for issue of Writ of *Habeas Corpus* directing the respondents to produce the detenu after quashing the proceedings, vide Ref.No.C1/921/M/2016, dated 13.10.2016, of respondent No.2 and G.O.Rt.No.2174, General Administration (Law and Order) Department, dated 22.10.2016, of respondent No.1 approving the detention.

We have heard Mr. Vinod Kumar Deshpande, learned senior counsel appearing for the petitioner and the learned Special Government Pleader (Andhra Pradesh) for the respondents.

The detenu is accused in as many as 88 criminal cases registered against him for the alleged smuggling of red sander logs. The detention order is voluminous, which itself is self-speaking on the criminal history of the detenu. The only ground of challenge to the detention order that was pressed into service at the hearing of the case is that except the detention order and the grounds of detention, all other documents such as panchanama, seizure report, remand report, etc., were not translated into Tamil, the language known to the detenu, and

supplied to him and that therefore, the impugned detention order is in violation of Article-22(5) of the Constitution of India.

A detailed counter-affidavit has been filed by respondent No.2. In para-16 thereof, it is averred that the order of detention and the grounds of detention, containing all the information including the details of the cases registered against the detenu, were supplied to him in English and Tamil languages and that the material that was the basis for passing the detention order has also been supplied to the detenu in English and Telugu languages, as he knows the said languages also, which itself is sufficient for making an effective representation. It is further averred that the detenu is well versed with English language as, he has studied B.A. (Economics) and that he also speaks and understands Telugu language.

Mr. Vinod Kumar Deshpande, learned senior counsel for the petitioner, fairly stated that no reply-affidavit has been filed controverting the above-noted contents of para-16 of the counter-affidavit.

As the averment that the detenu knows English and Telugu languages and is well versed with them remained uncontroverted, the only ground urged by the learned senior counsel that the material relied on by the detaining authority for

passing the detention order was not translated in Tamil and supplied to the detenu is not sustainable.

For the above-mentioned reasons, we do not find any merit in this Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.46132 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

14th June 2017
DR



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE J.UMA DEVI