

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No.32718 of 2016

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has challenged the detention proceedings vide No.65/PD/CCRB/CYB/2016, dated 15.03.2016, issued by respondent No.4 against the detenu under the provisions of Telangana Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (hereinafter referred to as 'the Act').

2. The present petition is filed by the husband of the detenu. The wife of petitioner was detained on 15th March 2016; since then she is under detention.

3. Learned counsel appearing on behalf of the petitioner submits that the detenu is from Hyderabad; she is a house wife; she can little bit read and write Urdu, however, does not even understand any other language. But the detention order and the grounds of detention are provided in Telugu, which is not the known language of the detenu.

4. He further submits that even the relied upon documents are not supplied till date. Therefore, the detenu could not make effective representation to the Government.

5. Learned counsel appearing on behalf of the respondent submits that detention order and the grounds of detention have been supplied in Urdu,

English and Telugu, however, thereafter, the relied upon documents could not be supplied. He has fairly conceded that all the relied upon documents have not been supplied in Urdu language, which is the known language of the detenu.

6. As noted above, the detenu is under detention from 15th March 2016 and the detention order is for 12 months, which is going to be expired on 14th March 2017. Today is 8th day of March 2017; only one week is left for completion of 12 months, which is the maximum detention period provided under Section 13 of the Act.

7. Though the purpose of challenging the detention is totally defeated since the 12 months period is going to be completed, however, it is fairly conceded by the counsel for the respondent that the relied upon documents are not provided leave aside Urdu, in any language which is mandatory under Section 8 of the Act. Therefore, we allow the writ petition and quash the detention order, dated 15th March 2016.

8. Accordingly, the Superintendent, Central Prison, Chanchalguda is directed to release the detenu forthwith, if not required in any other case.

9. Before parting with this order, the respondents were duty bound to supply the relied upon documents in the known language of the detenu within 5 days of detention as per Section 8 of the Act, which, they failed and the detenu remained under detention for almost one year.

10. It is not a mistake. The respondent No.4 is a responsible officer and Detaining Authority. It was his duty to comply with Section 8 of the Act or to withdraw the detention order. He failed on both counts. Therefore, we

hereby impose costs of Rs.5,000/- (Rupees Five thousand) to be paid by respondent No.4 in favour of the petitioner within two weeks from today.

11. We hereby caution respondents 1 to 4 not to repeat such serious blunder in future, effecting the liberty and freedom of the person detained.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

U.DURGA PRASAD RAO, J

8th March 2017

ajr

