

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No. 24993 OF 2017

ORDER: (Oral)

(Per Hon'ble Sri Justice *SURESH KUMAR KAIT*)

Order, dated 27.12.2016, passed by respondent No.2, whereby husband of the petitioner by name Methri Jagadish was detained treating him as immoral traffic offender, is in question in this petition.

Learned counsel appearing on behalf of the petitioner submits that in all cases where preventive detention orders were passed against immoral traffic offenders, this Court has been quashing the detention orders, subject to condition that the detenu must leave the areas within which he was allegedly carrying on immoral and illegal activities. The learned Government Pleader for Home has conceded the said submission.

Similar issue came before this Court in W.P.No.1678 of 2017 and the detention order therein was set aside and the detenu was directed to be released forthwith from the detention, subject to condition that he shall, on his release, leave the areas falling under Hyderabad and Cyberabad Commissionerates and shall not re-enter the said areas till 27.12.2017, and to that effect he shall file an undertaking in writing addressed to respondent No.2 and handover the same to the Superintendent, Chanchalaguda Central Prison, Hyderabad, in which he is presently detained before he is released from the jail.

In the present case, all the offences are registered in the Commissionerate of Hyderabad, Rachakonda and Cyberabad. Therefore, in view of the light of the above submission and the order, dated 18.07.2017,

passed in W.P.No.1678 of 2017, as in the present case all immoral traffic cases are registered against the husband of the petitioner, we hereby set aside the detention order, dated 27.12.2016, directing the detenu that he shall leave the areas falling under the Commissionerate of Hyderabad, Rachakonda and Cyberabad and shall not re-enter the said areas till 27.12.2017 and to that effect he shall file an undertaking in writing to respondent No.2 and handover the same to the Superintendent, Chanchalguda Central Prison, Hyderabad, in which he is presently in jail. We hereby make it clear that if the detenu violates the undertaking as mentioned above, respondent No.2 is at liberty to take action in accordance with law.

The writ petition is allowed. The impugned detention order, dated 27.12.2016, passed by the 2nd respondent vide Proc.No.SB(I) No.601/PD/S1/2016 is hereby quashed. Consequently, the Superintendent, Central Prison, Chanchalguda, Hyderabad, is directed to release the detenu i.e., Methri Jagadish, forthwith, if not required in any other case.

Miscellaneous petitions, if any, shall stand closed. No costs.

SURESH KUMAR KAIT, J

P. KESHAVA RAO, J

Date: 14.11.2017
ES/CCM