

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION No.8044 of 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The brother of the petitioner, Mohd.Jamsheed @ Sohail @ Jamsheed, was subjected to preventive detention under Section 3(2) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for short, the Act of 1986) by the Commissioner of Police, Hyderabad City, *vide* order dated 11.11.2016. The said order of detention was approved by the Government of Telangana under G.O.Rt.No.2513 dated 18.11.2016 and was confirmed for a period of 12 months with effect from 26.11.2016 *vide* G.O.Rt.No.264 dated 27.01.2016.

2. The present writ petition was filed on 06.03.2017 seeking a writ of Habeas Corpus to declare the order of detention dated 11.11.2016 passed by the Commissioner of Police, Hyderabad City, as illegal and to consequently direct the respondents to release the petitioner's brother, Mohd.Jamsheed @ Sohail @ Jamsheed, from the Central Prison, Chanchalguda, Hyderabad.

3. Smt.Thakur Roopasri, learned counsel representing Sri A.Ravi Shanker, learned counsel for the petitioner, would point out that the impugned order of detention is supported by the grounds for detention which cited 5 cases of theft of cell phones involving the detainee and would strenuously contend that the said cases

would constitute a “law and order” problem and would not impact ‘public order’. She would further state that though the detainee is illiterate, the documents relied upon by the Commissioner of Police, the detaining authority, were supplied to him in English, a language unknown to the detainee. On this ground, the learned counsel would contend that the constitutional right of the detainee to make an effective representation against his detention was prejudiced. Learned counsel would however fairly admit that no ground in this regard was raised in the affidavit filed in support of the writ petition.

4. On the other hand, the material placed before this Court by the learned Government Pleader for Home would demonstrate that every document supplied to the detainee was accompanied with an Urdu translation thereof. All such documents along with the Urdu translations bear the signature of the detainee in proof of his having received them. The detainee also signed a receipt and acknowledgement on 26.11.2016 in proof of having received the documents in English along with translated copies in Urdu. He also confirmed therein that the contents of the grounds of detention were explained to him in Urdu and also in Hindi while admitting that he was uneducated. He also stated that he understood the contents of the grounds of detention.

5. G.O.Rt.No.264 dated 27.01.2017, whereby the Government of Telangana confirmed the detention of the petitioner’s brother, records that the Advisory Board, constituted under Section 9 of the

Act of 1986, heard not only the detainee but also his mother, Azmath Sulthana, and his sister, Bushra Sulthana, the petitioner herein.

6. Smt.Thakur Roopasri, learned counsel, would fairly concede that no objections were raised by either the detainee or his family members before the Advisory Board as to copies not being supplied to the detainee in a language known to him.

7. We therefore find that this ground lacks foundation and is without merit, in the light of the material placed before us.

8. As regards the contention that the cases in which the petitioner's brother was involved would constitute a "law and order" problem, it is well settled that it is not the nature of the act that would determine as to whether it would have an impact on the maintenance of public order (See **Ashok Kumar Vs. Delhi Administradtion**¹ , **Arun Ghosh Vs. State of West Bengal**² and **Ram Manohar Lohia Vs. State of Bihar**³).

9. In the present case, the habitual activity attributed to the petitioner's brother, i.e., pilferage of cell phones in public places would invariably have an impact on the general public. It would create a sense of insecurity and would be detrimental to maintenance of public order. That being so, the activities of the petitioner's brother cannot be said to constitute only a law and order problem, as contended by the learned counsel.

¹ (1982) 2 SCC 403

² (1970) 1 SCC 98

³ AIR 1966 SC 740

10. We therefore find that all constitutional safeguards and legal requirements were sufficiently adhered to by the detaining authority in the case on hand. No interference is warranted with the order of detention. The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 03.10.2017
TJMR/SHR

T.AMARNATH GOUD, J

