

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Writ Petition No.22187 of 2017

DATED:24-01-2018

Between:

Pilli Lakxmi ... Petitioner

And

The State of Telangana
Rep. by its Chief Secretary
Revenue Department
Secretariat, Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Gopinath Lakkineni

COUNSEL FOR THE RESPONDENTS: G.P for Home (TS)

THE COURT MADE THE FOLLOWING:

ORDER: (per the Hon'ble Sri Justice C.V. Nagarajuna Reddy)

The detention of one Pilli Venkateshwar Rao (for short, "the detenu") vide order in Rc. No.C1/437/2017, dt.23.3.2017 of respondent No.3, as confirmed vide G.O. Rt. No.1088, dt.11.5.2017, is assailed in this writ petition by his wife.

2. A perusal of the detention order shows that the detenu was detained under the provisions of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offender, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for short, "the Act"). In the grounds of detention five criminal cases have been referred to. It is stated therein that Crime No.844/2014-15 was registered on 12.2.2015 against the detenu based on the seizure of 10 litres of Illicitly Distilled (ID) Liquor, 300 Kgs. of black jaggery and 5 Kgs. of alum along with one Mahendra Alfa Auto, under a cover of panchanama and he was remanded to judicial custody. On the very next day, ie., on 13.2.2015 he was enlarged on bail. Again on 12.11.2015 another Crime No.615/2015-16 was registered for being in possession of 50 Litres of ID Liquor and he was remanded to judicial custody. On the very following day, ie., on 13.11.2015 he was enlarged on bail. Crime No.249/2016 was registered on 20.9.2016 and the detenu was arrested. On 24.9.2016 he was enlarged on bail. On

6.12.2016, Crime No.327/2016 was registered and after his arrest he was enlarged on bail on 13.12.2016. Crime No.60 of 2017 was registered on 10.3.2017 and he was arrested on 22.3.2017. While he was in judicial custody, the impugned order of detention was passed on 23.3.2017. The above mentioned facts would show that the detenu is an habitual offender indulging in the activities of bootlegger by selling the ID liquor, black jaggery and alum.

3. The learned counsel for the petitioner has questioned the detention order mainly on two grounds, namely (i) that the Advisory Board has not given an opportunity of being heard to the detenu and his family members and (ii) that the detenu was not present during any of the alleged raids based on which the criminal cases have been registered.

4. In paragraph 10 of the counter affidavit filed by respondent No.3 while denying that the Advisory Board has not afforded an opportunity of hearing, he has categorically averred that the Advisory Board in its review meeting held on 19.4.2017 upon hearing the detenu and the concerned investigating officials and duly perusing the grounds of detention and connected record, submitted its report to the Government on 4.5.2016 as required under Section 11(1) of the Act. No reply affidavit is filed controverting these averments. Therefore, we have no reason to

accept the plea of the petitioner that the Advisory Board has not given an opportunity of hearing.

5. As regards the second ground, the same needs to be referred only to be rejected. The issue whether the criminal cases were properly registered or not and whether the raids were conducted in the presence of the detenu or not, are not germane for consideration while examining the validity or otherwise of the order of preventive detention.

6. The facts narrated above would show that the detenu is an habitual offender involved in the activities of bootlegger which undoubtedly causes prejudice to the public health and public order. Therefore, we do not find that the impugned orders suffer from any legal infirmity warranting interference of this Court.

7. For the aforementioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.27306 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

24-1-2018

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