

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

WRIT PETITION No.8330 of 2018

Date: 03.07.2018

Between :

Smt. Unnathi Asarsa

... Petitioner

And

The State of Telangana,
rep. by its Chief Secretary,
General Administration (Law & Order) Department,
Secretariat, Hyderabad and another.

... Respondents

COUNSEL FOR PETITIONER : Mr. H. Prahlad Reddy, representing
Mr. P. Animi Reddy

COUNSEL FOR RESPONDENTS : A.G.P. attached to A.G. (T.S.)

THE COURT MADE THE FOLLOWING:

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

This writ petition is filed for issue of Habeas Corpus declaring the proceedings No.05/PD/CCRB/CYB/2018, dated 16.01.2018, issued by respondent No.2, as illegal and arbitrary.

We have heard Sri H. Prahlad Reddy, counsel representing Sri P. Animi Reddy, learned counsel for the petitioner, and the learned Assistant Government Pleader for Home attached to the learned Advocate General (T.S.).

The proceedings No.05/PD/CCRB/CYB/2018, dated 16.01.2018, issued by respondent No.2 against the husband of the petitioner, by name Sri Mithlesh Asarsa @ Jeevan, s/o. Madanlal Asarsa (for short 'the detenu') detaining him under the provisions of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders, Land-Grabbers Act, 1986 (for brevity "the Act") is assailed in this writ petition. The said detention order dated 16.01.2018 was confirmed based on the Advisory Board's Report, vide G.O.Rt.No.328, General Administration (Spl. (Law & Order) Department, dated 17.02.2018.

Learned counsel for the petitioner has advanced two submissions, namely; (1) that all the nine cases on which respondent No.2 has relied for detaining the detenu are foisted without there

being any merit; and (2) that there is an abnormal delay in disposal of the representation of the detenu.

As regards the first ground; we are afraid, we cannot examine whether the criminal cases registered against the detenu were sustainable or not, as this Court cannot delve into the merits of the criminal cases and the subjective satisfaction arrived at by the detaining authority of the detenu disturbing the public order is not justiciable.

As for the second noted ground, namely; that there is a delay in disposal of the representation of the detenu thereby violating Clause (5) of Article 22 of the Constitution of India, in the additional counter affidavit filed by the Additional Director General of Police, South Central Railways, Secunderabad, it is stated that the representation of the detenu was rejected on 17.02.2018, the day on which respondent No.1 has issued G.O.Rt.No.328 confirming the detention order.

The learned Assistant Government Pleader has placed reliance on the judgment of the Hon'ble Apex Court in K.M. ABDULLA KUNHI v. UNION OF INDIA¹ and of this Court in S. PENCHALAMMA v. STATE OF ANDHRA PRADESH² in support of his submission that there is no obligation on the part of

¹ (1991) 1 SCC 476

² Order dated 04.01.2017 in W.P.No.28748 of 2016

the State to consider the representation of the detenu till confirmation order was passed and that, therefore, the question of delay in disposal of the representation till confirmation order was passed does not arise.

Learned counsel for the petitioner has not disputed the legal position emerging from K.M. ABDULLA KUNHI's case (1 supra) and S. PENCHALAMMA's case (2 supra).

Inasmuch as the detenu's representation was rejected on the day on which the detention order was confirmed, it cannot be said that any delay has occurred in rejection of the representation of the detenu thereby vitiating the impugned detention order.

In view of the above, we do not find any merit in this writ petition and the same is accordingly dismissed. No order as to costs.

As a sequel to the dismissal of the writ petition, I.A.Nos.1, 2, 3 and 4 of 2018 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

03.07.2018.

Msr

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