

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

WRIT PETITION No.28413 of 2018

Date: 04.10.2018

Between :

Smt. Padma

... Petitioner

And

The State of Telangana,
rep. by its Principal Secretary,
General Administration
(Special Law & Order) Department,
Secretariat Buildings,
Hyderabad and others.

... Respondents

COUNSEL FOR PETITIONER : Sri S. Rajsekhar

COUNSEL FOR RESPONDENTS : G.P. for Home (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 directing respondent No.3 to produce the detenu – Sri Tirupathi Uppalaiah in the Court and set him at liberty after setting aside the detention order vide Proc.No.03/PD/ACT/CCREB/RKD/2018, dated 24.01.2018 passed by respondent No.2.

We have heard Sri S. Rajsekhar, learned counsel for the petitioner, and the learned Government Pleader for Home (Telangana State) appearing for the respondents.

The husband of the petitioner has been detained by the afore-mentioned impugned order dated 24.01.2018 passed by respondent No.2, based on as many as 13 criminal cases registered against him for stealing of cattle.

The only ground urged by the learned counsel for the detenu is that the impugned order, whereunder the detention has been made for a period of one year, is contrary to the judgment of the Supreme Court in CHERUKURI MANI, W/o. NARENDRA CHOWDARI Vs. THE CHIEF

SECRETARY, GOVERNMENT OF ANDHRA PRADESH
& ORS.¹

As submitted by the learned Government Pleader for Home (T.S.), in ARAVIND CHOUDHARY Vs. STATE OF TELANGANA AND ANR.², the Supreme Court has clarified the legal position based on its earlier judgment in T. DEVAKI Vs. GOVERNMENT OF TAMIL NADU AND OTHERS³, wherein it has explained the scope of Section 3(2) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, as under:

“The expression ‘the State Government are satisfied that it is necessary so to do, they may, by order in writing direct that during such period as may be specified in the order’ occurring in sub-section (2) of Section 3 relates to the period for which the order of delegation issued by the State Government is to remain in force and it has no relevance to the period of detention. The period as mentioned in Section 3(2) of the Act refers to the period of delegation and it has no relevance at all to the period for which a person may be detained.”

¹ (2015) 13 SCC 722

² CrI.A.No.924 of 2017, dated 05.05.2017

³ (1990) 2 SCC 456

Relying upon the above reproduced part of the judgment in T. DEVAKI's case (supra), the Supreme Court in ARAVIND CHOUDHARY's case (supra) held as under:

“The observations in judgment of this Court in *Cherukuri Mani, W/o. Narendra Chowdari* (supra) cannot be read contrary to the observation in judgment of three Hon'ble Judges. Thus, limitation of period for delegation under Section 3(2) does not control the period of detention for which power is exercised by the State Government which is laid down in Section 13 of the Act.”

In the light of the legal position, as referred to above, we do not find any merit in the above submission of the learned counsel for the petitioner. No other point has been urged by the learned counsel for the petitioner.

For the afore-mentioned reasons, the writ petition fails and it is accordingly dismissed. No order as to costs.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

04.10.2018.
Msr

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