

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

Writ Petition No.30683 of 2017

DATED:07-02-2018

Between:

Syed Ayesha Tasleem ... Petitioner

And

The State of Andhra Pradesh
Represented by its Chief Secretary
General Administration (SC-I) Department
Amaravathi, Guntur District
Andhra Pradesh State
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. N. Ranga Reddy

COUNSEL FOR THE RESPONDENTS: Mr. C.S.
Suryaprakasa Rao,
Special Government
Pleader

THE COURT MADE THE FOLLOWING:

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

This writ petition is filed by the wife of Syed Javeed Khadri @ Javeed (hereinafter referred to as “the detenu”), assailing the validity of order in MC.No.1/3751/2017, dt.21.06.2017, as amended by order in RC. M.C.No.3751/2017, dt.28.06.2017, passed by respondent No.2, as confirmed by G.O. Rt. No.1866, dt.23.08.2017, issued by respondent No.1.

2. Though various grounds have been raised in the writ petition and sought to be pressed into service by Mr. N. Ranga Reddy, learned counsel for the petitioner, we are of the opinion that the ground of non-supply of legible copies of the documents will suffice to invalidate the impugned order of the detention.

3. Section 8 of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for short, “the Act”) enjoins upon the detaining authority to communicate to the detenu the grounds on which the order has been made, within five days of the date of detention so as to afford the earliest opportunity of making a representation against the order. The analogous provisions contained in the preventive detention statutes fell for consideration by various courts in

several judgments. In **Manjit Singh Grewal v. Union of India**¹ the Supreme Court held that if copies of the documents supplied at the request of the detenu are illegible, the safeguards provided by the Constitution must be held to have not been followed. This judgment was referred to and relied upon in many subsequent judgments, including that in **Vasanthu Sumalatha v. State of Andhra Pradesh**².

4. The learned counsel for the petitioner placed before us copies of the documents supplied to the detenu. Even a cursory glance at these documents shows that several pages, i.e., page Nos.24, 25, 62, 63, 64, 128, 129, 130, 131, 134, 135 and many other pages, are completely illegible or semi-legible. The learned Special Government Pleader (AP) did not dispute this fact. Therefore, in our opinion, non-supply of legible documents denied the detenu an opportunity of making effective representation against his detention as envisaged under Section 8 of the Act and as interpreted in various judgments as referred to supra.

5. In the result, the writ petition is allowed and the impugned detention order as amended, and as confirmed by respondent No.1, vide G.O. Rt. No.1866, dt.23.08.2017, is set

¹ 1990 Supp SCC 59

² 2016 (2) ALD (CrL.) 156

aside. The detenu is directed to be released from the detention forthwith, if he is not required in any other criminal case/cases.

As a sequel to allowing the writ petition, W.P.M.P. No.38249 of 2017 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

07-2-2018

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