

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.30691 of 2018

Date: 08.11.2018

Between :

Ghousia Begum

... Petitioner

And

The State of Telangana,
rep. by its Principal Secretary - Home,
Secretariat Buildings, Hyderabad and others.

... Respondents

COUNSEL FOR PETITIONER : Sri C.Raghu

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 to set aside the order of detention *vide* No.39/PD-ACT/CCRB/RKD/2018, dated 03.08.2018, passed by respondent No.2 and set free the husband of the petitioner, by name, Mohd. Abdul Parvez @ Shaik Mohd. Abdul, S/o. Abdul Razzaq (hereinafter referred to as "the detenu").

We have heard Sri C.Raghu, learned counsel for the petitioner, and the learned Government Pleader for Home (T.S.).

A perusal of the detention order shows that respondent No.2 had relied upon three offences in the grounds of detention. Crime No.269/2018 was registered on the allegations that on 27.06.2018 at about 19.00 hours when the complainant was sitting in bore motor shop near Ambedkar Chowrasta, Ibrahimpatnam, the detenu and his followers came to him, picked up quarrel with him without any valid reason, abused him in filthy language, dashed him and threatened him with dire consequences and forcibly took away his Scorpio car bearing No.AP13P 4342. Crime No.271/2018 was registered on the allegations that on the same day i.e., 27.06.2018 at about

11.00 hours, the detenu has driven Scorpio car bearing No.AP13P 4342 with high speed and negligent manner and dashed against 11 KV pole at Reliance Company, Mangalpally Village of Ibrahimpatnam Mandal and as a result, the pole got damaged.

As rightly submitted by the learned counsel for the petitioner, if the detenu has stolen away the Scorpio car at 19.00 hours on 27.06.2018, there was no possibility of his dashing the said car against electrical poll at 11.00 hours on the same day. The learned Government Pleader could not explain this incongruity. Moreover, the allegations pertaining to Crime No.271/2018 even taken on their face value, it cannot be said that the offence committed by the detenu is such that it disturbs the public order which is a *sine qua non* for invoking the provisions of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986.

For both the above reasons, the Writ Petition is allowed. Impugned detention order, *vide* No.39/PD-ACT/CCRB/RKD/2018, dated 03.08.2018, passed by respondent No.2, is set aside. The detenu *viz.*, Mohd. Abdul

Parvez @ Shaik Mohd. Abdul, S/o. Abdul Razzaq, is directed to be released from the detention forthwith, if he is not required in connection with any other case(s).

As a sequel to allowing the Writ Petition, I.A.No.1 of 2018 filed by the petitioner for interim relief stands disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

T.AMARNATH GOUD, J

Date: 08.11.2018.
TJMR

