

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice T.Amarnath Goud

W.P.No.33113 of 2018

Date: 09.11.2018

Between:

T.Ravali

....Petitioner

And:

The State of Telangana,
Rep. by its Principal Secretary to Govt., (Poll),
General Administration (Special Law & Order)
Dept., Secretariat, Hyderabad and 5 others.

....Respondents

Counsel for the petitioner: Mr.V.Ravi Kiran Rao

Counsel for the respondents: GP for Home (TS)

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 the respondents to produce the petitioner's husband *viz.*, Vinjamuri Kalyan Chakravarthi (for short 'the *detenu*') before the Court and set him at liberty after setting aside the detention order vide Proceeding in C.No.40/PDC/KNR/2018, dated 20-06-2018, of respondent No.2.

We have heard the learned Counsel for the petitioner and perused the record.

Among various grounds raised by the petitioner, one ground on which the Writ Petition can be disposed of is that, while the initial part of the grounds of detention referred to several criminal cases registered against the *detenu* on the allegation that he is indulging in 'forgery for the purpose of cheating by creating fake documents i.e., No Objection Certificates of different Finance Companies and obtaining vehicle loans from such companies', in the penultimate paragraph thereof, it is stated that 'with a view to prevent the *detenu* from acting in a manner prejudicial to the maintenance of supplies of the commodities essential to the community, respondent No.2 is satisfied that the provisions of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders, Land Grabbers Act, 1986, should be invoked'.

In the counter-affidavit filed by respondent No.2, the aforementioned statement was sought to be explained as if it was a typographical mistake. Presuming that the person, who prepared the draft order, has committed the mistake, the fact that respondent No.2 has signed the detention order without noticing the said mistake clearly demonstrates a total non-application of mind on his part. The preventive detention being an exception to the fundamental right to personal liberty, the detaining authority must always and at all times apply his mind when he passes a detention order, which has the effect of depriving a person of his personal liberty without the right to seek bail and trial as well. In this view of the matter, we are of the opinion that the impugned detention order is not sustainable in law.

Accordingly, the detention order *vide* Proceeding in C.No.40/PDC/KNR/2018, dated 20-06-2018, of respondent No.2 is quashed. The *detenu* shall be released from detention, if he is not otherwise required in any other case.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Dt: 9th November, 2018
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