

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.1263 & 1348 OF 2019

DATED :05.02.2019

Between :

T.Girija Rani W/o.T.Maruthi Rao,
Aged about 55yrs, Occu : Housewife,
R/o.Nagarjuna Nagar, Miryalaguda Town,
Nalgonda District.

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Petitioner

And

State of Telangana,
Rep., by its Secretary,
Home Department,
Government of Telangana,
Secretariat, Hyderabad & others.

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Respondents

W.P.No.1348 of 2019:

Between :

T. Padmaja W/o.T.Sravan Kumar,
Aged about 40yrs, Occu : Housewife,
R/o.Ashok Nagar, Miryalaguda Town,
Nalgonda District.

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Petitioner

And

State of Telangana,
Rep., by its Secretary,
Home Department,
Government of Telangana,
Secretariat, Hyderabad & others.

..

Respondents

This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.1263 & 1348 OF 2019

COMMON ORDER :

Heard learned counsel for the petitioners and Learned Government Pleader for Home.

2. In these two writ petitions, petitioners are the wives of two detenues who are lodged in Central Prison at Warangal as a measure of preventive detention in accordance with the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders, Forest Offenders, Gaming Offenders, Sexual Offenders Explosive Substances Offenders, Arms Offenders, Cybercrime Offenders and White Collar or Financial Offenders Act, 1986 (Act No.1 of 1986) (for short 'the Act').

3. According to petitioners, Sri T.Maruthi Rao and Sri T.Sravan Kumar respectively, who are the detenues intend to execute new partnership deeds. For this purpose signatures of the detenues are necessary and when they approached the 5th respondent, he refused to permit the petitioners to speak to detenues and get their signatures. Aggrieved by the same, these writ petitions are filed.

4. When the matters are taken up, learned Government Pleader points out that no such application/representation or request in writing is made to the 5th respondent to show the bonafides of petitioners that they have already approached the

5th respondent and their request was not acceded to. Learned Government pleader also submits that as the two detenues were detained under the Act, they cannot be allowed access to the outsiders during the period of detention.

5. Learned counsel for the petitioners would submit that merely because petitioners are now detained in the Central Prison under the Act, it cannot take away their inalienable right to property to life and their liberty as restraint imposed is only for a limited extent. He would therefore submit that denying access to the detenues by the wives of detenues and not allowing to obtain signatures on the documents is erroneous.

6. Except the assertion of learned counsel for the petitioners that petitioners approached 5th respondent, no other material is placed on record to show that they have actually approached, but their request was rejected.

7. Having regard to the respective submissions, these writ petitions are disposed of without entering into merits by the following order :

Petitioners shall submit applications to the Director General of Prisons, Hyderabad, by enclosing all the relevant documents in which the signatures are required by the petitioners from the detenues. On submission of such applications, the Director General of Prisons, shall examine the same and take appropriate decision, within a period of one (1) week from the date of submission of such application and if necessary, the Director General of Prisons, shall issue suitable

directions to the 5th respondent. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

05th February, 2019

Note : Issue c.c. in three (3) days
B/o.
Rds