

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38219 OF 2018

ORDER: (Per Hon'ble Sri Justice A.Rajasheker Reddy)

This Writ Petition is filed challenging the detention order passed by the 2nd respondent vide Proc.C.No.802/WRC/CSB-XI/2018, dated 19.07.2018, which is confirmed by the 1st respondent vide G.O.Rt.No.2126, dated 10.10.2018 against one Kasarla Ram Kumar @ Nani, S/o.Venkata Swamy (hereinafter referred to as the detainee), as illegal and arbitrary.

2. The petitioner is the brother of the detainee. On 19.07.2018, the 2nd respondent passed detention order against detainee under Section 3(2) of the Telangana Prevention of Dangerous Activities of Boot Leggers, Dacoits, Drug-offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (hereinafter referred to as the 'Act of 1986') detaining him in Central Prison, Warangal on the allegation that he involved in brutal murder of Thaithala Sambaiah in the limits of Warangal Police Commissionerate and thereby creating fear and panic among the people, which adversely affected the maintenance of public order in the limits of Warangal Police Commissionerate. The detention order of the 2nd respondent was approved by the 1st respondent vide G.O.Rt.No.1458, dated 25.07.2018, which is confirmed by the 1st respondent vide G.O.Rt.No.2126, dated 10.10.2018 after receipt of

report and opinion from the Advisory Board. Though a case in Cr.No.142 of 2018 of Police Station Inthezargunj was registered under Sections 120-B, 143, 148, 364, 342, 302, 201 r/w 149 IPC Sections 3(2)(V) SC & ST (POA) Act, 1989 against three persons on the complaint given by Thaithala Swapna, who is the wife of the deceased Thaithala Sambaiah, the name of the detainee was not found in the same, but he was falsely implicated in the case basing on his confession and that he was arrested on 28.04.2018 by the Police, Inthezargunj Police Station. The first bail application was dismissed on 12.06.2018 and second bail application was dismissed on 10.07.2018. As on the date of the detention order, no bail application was pending, as such, the question of indulging in activities prejudicial to the maintenance of public order does not arise.

3. Counter affidavit is filed by the 2nd respondent denying the averments in the affidavit filed in support of the Writ Petition and justified the reasons for passing detention order against detainee.

4. Heard Sri P.Prabhakar Reddy, learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents.

5. Learned counsel for the petitioner, while reiterating the averments in the affidavit filed in support of the writ petition, submitted that no case is made out against the detainee for detaining authority to come to the subjective satisfaction for passing the detention order dated 19.07.2018 by the 2nd respondent, which is confirmed by the 1st

respondent vide G.O.Rt.No.2126, dated 10.10.2018. He submitted that the detainee was arrested on 28.04.2018 and both the bail applications filed by the detainee were dismissed, there is no likelihood of detainee coming out on bail and indulging in activities prejudicial to the maintenance of public order, as such, the order of detention is without application of mind. He further submitted that the detainee is not a 'goonda', since he is not a habitual offender and that he was implicated basing on his confession and also that there is no independent evidence to connect the detainee to the case. He further submitted that no statements of witnesses under Section 161 Cr.P.C, who witnessed the incident are neither supplied to the detainee nor to the detaining authority, as such, order of detention is liable to be set aside. He submitted that though representation dated 09.08.2018 was submitted before the respondents, the same was rejected on 10.10.2018, on which day confirmation order was passed, as such, there is an abnormal delay in considering the representation of the detainee, which is illegal and on this ground also, the order of detention is liable to be set aside. In support of his contention, he relied on the judgment of Division Bench of this Court in W.P.No.37979 of 2018, dated 04.12.2018.

6. Opposing the above submissions, learned Government Pleader for Home, submitted that the detainee is a habitual offender engaging himself in unlawful activities such as robbery, theft and brutal murder in the police limits of Warangal Police Commissionerate, which is evident from the fact that he is an accused in three criminal cases. He

submitted that a case in Cr.No.142 of 2018 of Police Station Inthezargunj was registered under Sections 120-B, 143, 148, 364, 342, 302, 201 r/w 149 IPC Sections 3(2)(V) SC & ST (POA) Act, 1989 was registered against detainee as he involved in brutal murder of one Thaithala Sambaiah, which created feeling of insecurity among the general public in the limits of Warangal Police Commissionerate. He submits that during the years 2017 and 2018, the detainee was involved in three grave and gruesome offence, as such, he is a 'Goonda' within the definition of Clause (g) of Section 2 of the Act of 1986 and same had been considered as grounds of his detention and are prejudicial to maintenance of the public order. He submitted that the detaining authority had rightly considered material, *modus operandi* of the detainee in committing each crime and arrived at subjective satisfaction that the detainee is a habitual offender, passed the order of detention. He further submitted that statements of witnesses under Section 161 Cr.P.C along with other material were furnished to detainee under proper acknowledgment. He submitted that the representation of the petitioner dated 09.08.2018 was forwarded to the Advisory Board and after receipt of report and opinion from the Advisory Board, the 1st respondent passed confirmation order on 10.10.2018 and on the same day, the representation of the petitioner was rejected holding that there is sufficient cause for the detention of the detainee, as such, the delay in considering the representation of the petitioner cannot invalidate the order of detention passed by the 2nd respondent. In support of his contention, he relied on the judgments reported in **K.M.Abdulla Kunhi**

and B.L.Abdul Khader v. Union of India¹, D.M.Nagaraja v. Government of Karnataka² and B.Manjula v. The State of Telangana, rep. by its Chief Secretary, General Administration (Law and Order)³.

7. We have carefully considered the respective submissions of learned counsel for the parties and perused the material available on record.

8. Before considering the rival contentions of learned counsel, it is necessary to extract relevant provisions of the Act of 1986. Section 2(a) of the Act reads as follows:

“2(a) “*acting in any manner prejudicial to the maintenance of public order*” means when a boot-legger, a dacoit, a goonda, an immoral traffic offender or a land-grabber is engaged or is making preparations for engaging, in any of his activities as such, which affect adversely, or are likely to affect adversely, the maintenance of public order:

Explanation: For the purpose of this clause public order shall be deemed to have been affected adversely, or shall be deemed likely to be affected adversely *inter alia*, if any of the activities of any of the persons referred to in this clause directly, or indirectly, is causing or calculated to cause any harm, danger or alarm or a feeling of insecurity among the general public or any section thereof or a grave of widespread danger to life or public health.

(b)

(c)

(d) “detention order” means an order made under Section 3;

(e) “detenue” means a person detained under a detention order;

2 (g) “goonda” means a person, who either by himself or as a member of or leader of a gang, habitually commits, or attempts to commit or abets the commission of offences punishable under Chapter XVI or Chapter XVII or Chapter XXII of the Indian Penal Code”

¹ (1991) 1 Supreme Court Cases 476

² (2011) 10 Supreme Court Cases 215

³ 2016 SCC Online Hyd 209; (2017) 1 ALD (Cri) 218

9. A perusal of the impugned detention order dated 19.07.2018 as well as the grounds of detention would clearly show that the detainee is a habitual offender, which is evident from the fact that he had committed as many as three offences during the years 2017 & 2018 in quick succession within the police station limits of Warangal Police Commissionerate and that Crime Nos.146/2017 under Section 392 IPC of Inthezargunj Police Station; Cr.No.138/2017 under Section 379 IPC of Mills Colony Police Station. On 22.04.2018, the detainee along with his associates Pathi Kumara Swamy, Gnadam Naresh, Patri Someshwar @ Sonu, Thurpati Anil Kumar and Chinthala Sreenu hatched a criminal conspiracy to eliminate the deceased Thaitala Sambaiah @ Samba Murthy, have formed themselves into an unlawful assembly armed with steel rod, abducted the deceased from Sugar Cane juice point at 'O' City Warangal, took him to Vaillakunta, Keertinagar in an auto rickshaw where they wrongfully confined him and attacked with steel rod and beat the deceased with steel rod on his head causing severe bleeding injuries. When the deceased was struggling for life, Gandam Naresh went to his house situated at Keerthinagar in an auto rickshaw and brought a knife and two gunny bags and that the said Gandam Naresh caught hold of the head of the deceased, his another associate Patri Someshwar @ Sonu cut the throat of the deceased resulting in his instantaneous death. They separated the head from the trunk and packed the trunk and head in separate gunny bags and transported in an auto rickshaw and dumped the gunny bag containing trunk of the deceased at the main gate of Enumamula market main gate, while

another gunny bag containing head of the deceased kept on the road divider at Kashibugga junction, Warangal with an intention to screen the evidence of commission of offence and also created panic feeling in the minds of the general public. In this regard, a case in Cr.No.142/2018 under Sections 120-B, 143, 148, 364, 342, 302, 201 r/w 149 IPC Sections 3(2)(V) SC & ST (POA) Act, 1989 was registered against detainee as he along with his five associates committed brutal murder of one Thaithala Sambaiah, as such, creating panic and insecurity feeling among the general public in the limits of Warangal Police Commissionerate, and that he had been acting in a manner prejudicial to the maintenance of public order apart from disturbing the peace, tranquility and social harmony in the society. The 2nd respondent found that due to said brutal murder committed by the detainee along with his associates, the inhabitants of the locality and passersby at the places where the accused dumped the trunk and head of the deceased got scared with the activities, which is adversely affecting the maintenance of public order. The detainee and his associates were arrested on 27.04.2018 and recovered their confessional statements also seized the material evidence. The detaining authority has considered the gravity and gruesome offence of brutal murder by the detainee along with his associates and linked the evidence against detainee to the crime, besides recovering material evidence. In this context, the 2nd respondent-detaining authority, while linking the detainee to the crime, stated as follows:

“ Police seized blood stained knife, blood stained steel rod, three autos bearing Nos.TS 25T 0834, TS 25T 0252 and AP 36W 8961, which were used in the commission of offence, blood stained baniyan and shirt, hand kerchief of deceased found at the scene of offence, blood stained earth with its control, blood stained Jean pant of the accused Naresh which he wore at the time of murder. Police also seized the bike of the deceased and sugar cane stick. Further police collected CCTV Footages from Kashibugga junction where the accused dumped the gunny bag containing the head of deceased and obtained the post mortem examination report of the deceased from Kakatiya Medical College, Warangal. This evidence clearly establishes the involvement of the accused in the commission of murder.”

The detainee in his confessional statement has admitted to have committed the offence and based on his confessional statement, the material evidence was recovered under the cover of panchanama. Apart from that the witnesses LWs-10 and 11, who witnessed the incident, have identified the detainee in the Test Identification Parade. The above incident established the involvement of detainee in the gruesome murder of deceased Sambaiah including the other offences i.e., robbery and theft, would show that he is a habitual offender. The activities of detainee are prejudicial to the maintenance of public order and have been adversely affecting the maintenance of public order and peace in the locality. The detaining authority, basing on the cogent material placed before it by sponsoring authority and after taking into consideration the involvement of detainee in committing offences in quick succession, arrived at subjective satisfaction and passed order of detention. Though the detaining authority has relied on a single case registered against the detainee in detaining him under the Act of 1986, but the same cannot be invalidated only on that ground. It is beyond dispute that the order of detention can be passed on the basis of a single act. The test is whether the act is such that it gives rise to an inference that the person would continue to indulge in similar prejudicial

activity (see **Attorney-General of India v. Amratlal Prajivandas**⁴).

Whether a single act is sufficient or not depends on the gravity and the nature of the act having regard to the fact whether the act is organized or a manifestation of organized act. It cannot be said as a principle that one single act cannot be constituted the basis for detention. Thus, the argument of learned counsel for the petitioner that since it is solitary incident of the petitioner, he deserves sympathy, is rejected (See **Sanjai Singh v. State of Uttar Pradesh**⁵). More so, basing on confessional statements of himself and other associates, the material evidence was seized by the police. The act of the detenu seriously prejudiced the public safety and disturbed the tempo of public life by disturbing the public tranquility and breaching the peace in the locality. Thus, the degree of the act was of such a greater extent that it has its reach upon the public safety.

10. In **Suresh Pandey v. State of U.P**⁶ while dealing with the similar issue, Full Bench of Allahabad High Court, while relying on several Apex Court judgments, held as follows:

“57. Thus, in view of the above, the conclusions one may reach are that the order of detention can be passed on the basis of a solitary act if it Indicates that the act has been an organised one or a manifestation of organised activities. It is the gravity and nature of the act which is the determining factor as to whether it had been a case of “law and order” or the “public order” and there has to be a subjective satisfaction of the authority that the detenu would continue to indulge in similar prejudicial activities. There must be proximity, i.e. credible chain between the offending acts and the order of detention; there must be live links between the grounds of criminal activity alleged by the Detaining Authority and the purpose of detention. The Detaining Authority should not be influenced by extraneous consideration while reaching subjective satisfaction. No

⁴ (1994) 5 SCC 54 : AIR 1994 SC 2179)

⁵ 2000 Cri LJ 1683 (DB)

⁶ 2005 Cri LJ 1383 (FB)

extraneous material should be placed before him which could influence his mind as to whether the detention order should be passed after reaching the subjective satisfaction. Where there are two or more grounds covering the activities of the detenu, each activity is a separate ground by itself and if one of the grounds is vague, non-existent, not relevant or Invalid, the detention order shall not vitiate. Therefore, such an eventuality does not arise in a case where the detention order is passed only on the basis of a solitary act.”

In view of above, the submissions of the learned counsel that there is no material before detaining authority to come to the subjective satisfaction that the detenu is a ‘goonda’ within the meaning of Section 2(g) of the Act, that basing only on a solitary incident, the impugned detention order was passed and also that his activities are not prejudicially affecting the maintenance of public order, within the meaning of Section 2(a) of the Act, are not tenable.

11. It is next contended by the learned counsel for the petitioner that even though the bail petitions filed by the detenu were dismissed and he has not moved any bail applications subsequently, the detaining authority, without considering the said fact, has passed the impugned detention order, which is illegal. In the grounds of detention, it is categorically stated that the detenu moved bail petition in Cr.No.142/2018 of PS Inthezargunuj on 11.05.2018 before the VII Addl. Sessions Judge at Warangal, which was dismissed on 12.06.2018. The detenu also moved second bail petition on 27.06.2018 and the same was dismissed on 10.07.2018 after filing of counter by the police. In the grounds of detention, it is stated as follows:

“As you have been making sincere efforts to come out of the prison on bail by moving bail petition in Cr.No.142/2018 of Inthezargunj Police Station though the same was dismissed by the Honourable court, there is every likelihood of your moving bail petition again, granting bail by the Hon’ble Court and your release on bail in the case soon. On your release from jail on bail, there is an imminent possibility of your indulging similar prejudicial activities which are detrimental to public order, unless you are prevented from doing so by an appropriate order of detention.”

12. The 2nd respondent, after having satisfied that there is every likelihood of detainee moving bail petitions subsequently and coming out on bail in due course, there is imminent possibility of his indulging in similar type of offences and that unless he is detained under preventive laws, with a view to prevent him from further indulging in such prejudicial activities in the interest of public at large, passed the impugned detention order. The essential concept of preventive detention is that the detention of a person is not to punish him for something he has done but to prevent him from doing it. The basis of detention is the satisfaction of the executive of a reasonable probability of the likelihood of the detainee acting in a manner similar to his past acts and preventing him by detention from doing the same. A criminal conviction on the other hand is for an act already done which can only be possible by a trial and legal evidence. There is no parallel between prosecution in a Court of law and a detention order under the Act. One is a punitive action and the other is a preventive act. In one case a person is punished to prove his guilt and the standard is proof beyond reasonable doubt whereas in preventive detention a man is prevented from doing something which it is necessary for reasons mentioned

in [section 3](#) of the Act to prevent. (See **Haradhan Saha v. The State of West Bengal**⁷)

13. In **B.Manjula Vs. State of Telangana** (*supra*), Division Bench of this Court held as follows:

“22. Coming to the last submission, respondent No.2 has also clearly stated in the detention order as well as in the grounds of detention that there is a genuine possibility of her release on bail and on being released, she would further indulge in similar activities which are prejudicial to the maintenance of public order. In *N. Meera Rani* (8 *supra*), the Supreme Court summarized the settled legal principle in this regard as under: Subsisting custody of the detenu by itself does not invalidate an order of his preventive detention and the decision must depend on the facts of the particular case; preventive detention being necessary to prevent the detenu from acting in any manner prejudicial to the security of the State or to the maintenance of public order etc. ordinarily it is not needed when the detenu is already in custody; the detaining authority must show its awareness to the fact of subsisting custody of the detenu and take that factor into account while making the order; but, even so, if the detaining authority is reasonably satisfied on cogent material that there is likelihood of his release and in view of his antecedent activities which are proximate in point of time he must be detained in order to prevent him from indulging in such prejudicial activities, the detention order can be validly made even in anticipation to operate on his release. This appears to us, to be the correct legal position.”

In view of principle laid down in the above cases, it is for the 2nd respondent-detaining authority to reasonably satisfy himself that there is a likelihood of detenu acting in a manner similar to his past acts and need to pass detention order in order to prevent him from doing the same. Therefore, the contention of the learned counsel of the petitioner that the detaining authority has not considered the fact of dismissal of bail petitions, and not filing of bail petitions subsequently, as such, there is no likelihood of detenu coming out and indulge in similar offences, cannot be accepted.

14. Learned counsel for the petitioner submitted that there is an abnormal delay of two months in considering the representation of the

⁷ (1975) 3 SCC 198

petitioner by the 1st respondent-Government before confirming the detention order passed by the 2nd respondent, as such, the impugned detention order is liable to be set aside on this ground alone. Opposing the above submission, the learned Government Pleader for Home submitted that the Constitutional safeguards provided to the detainee under Article 22 of the Constitution of India have been followed. It is stated in the affidavit that the representation was submitted to the 2nd respondent on 09.08.2018 after passing of detention order on 19.07.2018 and same was placed before the Advisory Board, which in turn considered the same and submitted its report to the Government to the effect that 'there is sufficient cause for the detention of the detainee, Kesarla Ram Kumar' on 03.09.2018. The 1st respondent accorded approval to the detention order dated 19.07.2018 passed by the 2nd respondent, vide G.O.Rt No.1458, General Administration (Spl.(Law & Order) Department, dated 25.07.2018. Thereafter, the Advisory Board reviewed the case on 27.08.2018 and after having heard the detainee and the Investigating Officers and duly perusing the grounds of detention and connected records and also after perusing the written representation of the detenu's brother, submitted report and opinion on 03.09.2018 to the 1st respondent. On 10.10.2018 i.e., within three months of the detention of the detainee, the detention order was confirmed by respondent No.1 and that immediately on the same day on which the detention order was confirmed, the detainee's representation, which was pending with respondent No.1, was considered and rejected without there being any delay. Even otherwise,

there is no constitutional mandate or statutory requirement to consider the representation of the detenu before confirmation of the detention order by the Government. In **K.M.Abdulla Kunhi** (supra), the Constitutional Bench of Hon'ble Supreme Court held as follows:

“19. There is no constitutional mandate under clause (5) of Article 22, much less any statutory requirement to consider the representation before confirming the order of detention. As long as the government without delay considers the representation with an unbiased mind there is no basis for concluding that the absence of independent consideration is the obvious result if the representation is not considered before the confirmation of detention. Indeed, there is no justification for imposing this restriction on the power of the government. As observed earlier, the government's consideration of the representation is for a different purpose, namely, to find out whether the detention is in conformity with the power under the statute. This has been explained in *Haradhan Saha case* [(1975) 3 SCC 198 : 1974 SCC (Cri) 816 : (1975) 1 SCR 778] , where Ray, C.J., speaking for the Constitution Bench observed that the consideration of the representation by the government is only to ascertain whether the detention order is in conformity with the power under the law. There need not be a speaking order in disposing of such representation. There is also no failure of justice by the order not being a speaking order. All that is necessary is that there should be real and proper consideration by the government.”

15. The aforesaid view was affirmed by the Hon'ble Supreme Court in **D.M.Nagaraja v. Government of Karnataka** (supra), wherein it is held as follows:

“22. Though the learned counsel for the appellant has not raised the objection i.e. delay in disposal of his representation, since that was the only contention before the High Court, we intend to deal with the same. We have already stated that the detention order was passed on 22-9-2010 by the Commissioner of Police, Bangalore City. The said order was approved by the Government on 30-9-2010 and the case was sent to the Advisory Board on 8-10-2010 and the Board sat on 4-11-2010. The Government received the report of the Advisory Board on 10-11-2010. Confirmation detaining the detenu for a period of 12 months was issued on 16-11-2010. Representation of the detenu through the Central Prison was sent on 6-10-2010 i.e. before passing of the confirmation order by the Government.”

“23. This Court in *K.M. Abdulla Kunhi v. Union of India* [(1991) 1 SCC 476 : 1991 SCC (Cri) 613 (Constitution Bench)] has clearly held that the authority has no constitutional duty to consider the representation made by the detenu before the order of confirmation of the detention order. There is no constitutional mandate under

clause (5) of Article 22, much less any statutory requirement to consider the representation before confirming the order of detention. In other words, the competent authority can consider the representation only after the order of confirmation and as such, the contention raised by the appellant as if there was delay in consideration, is baseless and liable to be rejected. As pointed out above, the counsel for the appellant did not raise any objection as regards to the same.”

16. In **B.Manjula v. The State of Telangana (supra)**, Division Bench of this Court, while considering similar issue, after following the law laid down in the aforesaid authoritative pronouncements of Hon’ble Supreme Court, held as follows:

“13. From the above-mentioned authoritative judicial pronouncements, the law is well settled that a detenu has no constitutional right to insist that his representation must be considered before confirming the detention order. The outer time limit prescribed for such confirmation is three months from the date of order of detention under Article 22(4) of the Constitution of India. Therefore, if a detention order was confirmed within the outer time limit prescribed by the Constitution and the representation against the detention is considered within a reasonable time of confirmation of the detention order, the requirement under Article 22 stands satisfied and the detention order cannot be interfered on the ground of delay in considering the representation of the detenu.”

In the instant case, admittedly, the detention order passed by the 2nd respondent on 19.07.2018 was confirmed by the 1st respondent on 10.10.2018 and admittedly, the representation of the detenue dated 09.08.2018 was rejected on 10.10.2018, i.e., on the date of confirmation of detention order, which well within the prescribed limit by the Constitution i.e., three months from the date of passing of detention order. There is no constitutional obligation on the part of the detaining authority to consider the representation of the detenue before the detention order was confirmed and that as the representation of the detenue was considered and rejected on the same day on which the

detention order was confirmed, there is no delay as pleaded by the learned counsel for the petitioner. If the representation of the petitioner was considered and rejected on the same day when the confirmation order was passed by the 1st respondent, the same cannot invalidate the detention order passed by the 2nd respondent.

17. Learned counsel for the petitioner, placed reliance in the Division Bench Judgment of this Court in WP No.37979 of 2018, dated 04.12.2018. The facts in the aforesaid judgment and in the present case are distinguishable. In the above case, the detention order was passed on 19.06.2018 and the same was confirmed by the 1st respondent on 14.07.2018 and on the same day, the detainee made representation to the Government, which was rejected on 23.08.2018. But in the instant case, the representation of the petitioner was rejected on the same day i.e., on 10.10.2018 itself, which is the date of confirmation of detention order, as such, there is no delay muchless abnormal delay as contended by the learned counsel for the petitioner. More so, there is no constitutional mandate or statutory requirement to consider the representation of the detainee before confirmation of the detention order. Therefore, the judgment relied on by the learned counsel for the petitioner has no application to the facts of the present case on hand.

18. Though it is contended by the learned counsel for the petitioner that statements of witnesses under Section 161 Cr.P.C and other material are neither furnished to the detainee nor placed before the detaining authority. A perusal of the material papers filed before this

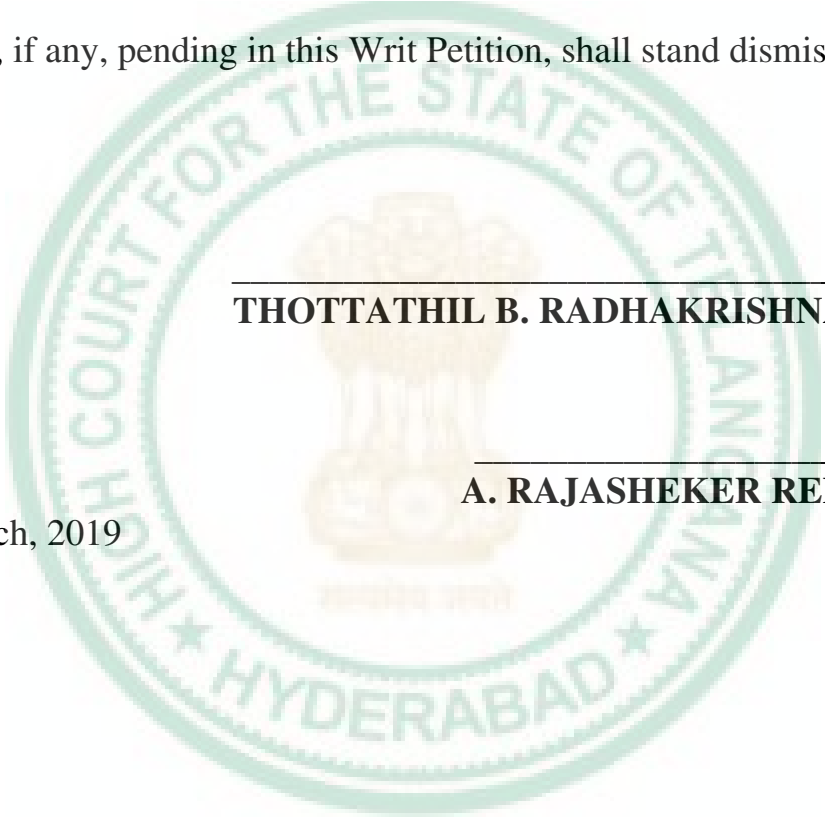
Court goes to show that the detenue received the order of detention and statements of witnesses under Section 161 Cr.P.C. Therefore, the contention of the learned counsel for the petitioner cannot be accepted in this regard. The order of 2nd respondent further shows that there is a compelling necessity to detain him in order to prevent him indulging in such activities in future which are prejudicial to the maintenance of public order.

19. It is well settled law that the court does not interfere with the subjective satisfaction reached by the detaining authority except in exceptional and extremely limited grounds. The court cannot substitute its own opinion for that of the detaining authority when the grounds of detention are precise, pertinent, proximate and relevant, that sufficiency of grounds is not for the court but for the detaining authority for the formation of subjective satisfaction that the detention of a person with a view to preventing him from acting in any manner prejudicial to public order is required and that such satisfaction is subjective and not objective. The object of the law of preventive detention is not punitive but only preventive and further that the action of the executive in detaining a person being only precautionary, normally, the matter has necessarily to be left to the discretion of the executive authority. It is not practicable to lay down objective rules of conduct in an exhaustive manner. The satisfaction of the detaining authority, therefore, is considered to be of primary importance with certain latitude in the

exercise of its discretion. (See **Subramanian v. State of Tamil Nadu**⁸).

20. The detaining authority has elaborately considered all the aspects while passing orders of detention on 19.07.2018, which is confirmed by the 1st respondent vide orders dated 10.10.2018.

For the aforementioned reasons, the writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand dismissed.



THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

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⁸ (2012) 4 Supreme Court Cases 699

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

P.D Judgment for Lordship's kind perusal

WRIT PETITION No.38219 OF 2018

(per Hon'ble Sri Justice A.Rajasheker Reddy)

Date: 7th March, 2019

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