

**THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY**

**AND**

**THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI**

**Writ Petition Nos.33269 and 33276 of 2022**

**COMMON ORDER :** *(Per Hon'ble Justice A. Abhishek Reddy)*

Though the petitioners / detenues in both these Writ Petitions are different, since the issue involved is one and the same, both the Writ Petitions are being taken up together and disposed of by way of this common order.

**2.** Writ Petition No.33269 of 2022 is filed by the petitioner seeking a *Writ of Habeas Corpus* directing the 3<sup>rd</sup> respondent to produce the detainee, viz., Mahendrakar Raju (now detained in Central Prison Cherlapally, Medchal-Malkajgiri District) before this Court; to set aside the impugned detention order passed by the 2<sup>nd</sup> respondent vide No.19/PD-CELL/CCRB/RCKD/2022, dated 16.02.2022, and the consequential order passed by the 1<sup>st</sup> respondent as illegal, arbitrary, improper, unilateral, unconstitutional and violative of Articles 21 and 22 of the Constitution of India; and to forthwith release the Detenue.

**3.** Writ Petition No.33276 of 2022 is filed by the petitioner seeking a *Writ of Habeas Corpus* directing the 3<sup>rd</sup>

respondent to produce the detenue, viz., Jyothi @ Qamar Sulthana (now detained in Special Prison for Women, Chanchalguda, Hyderabad) before this Court; to set aside the impugned detention order passed by the 2<sup>nd</sup> respondent vide No.18/PD-CELL/CCRB/RCKD/2022, dated 16.02.2022, and the consequential confirmation order vide G.O.Rt.No.993, dated 09.05.2022, as being illegal, arbitrary, improper, unilateral, unconstitutional and violative of Articles 21 and 22 of the Constitution of India, and to forthwith release the Detenue.

4. Heard the learned counsel for the petitioners and the learned Special Government Pleader for Home, for the respondents.

5. Learned counsel for the petitioners primarily contended that in a judgment passed by a Division Bench of this Court in **Shaik Kaneez Fathima, W/o.Ghouse Khan vs. The State of Telangana, represented by its Principal Secretary**<sup>1</sup>, while duly taking into consideration the detention orders passed by the 2<sup>nd</sup> respondent therein in respect of the very same crime in which the present detenues are also shown as accused, had allowed the Writ

---

<sup>1</sup> Writ Petition Nos.22945 & 22966 of 2022, dated 26.07.2022

Petitions by setting aside the detention orders passed by the 2<sup>nd</sup> respondent therein; the Division Bench has also considered the decisions of the Hon'ble Apex Court in **Ram Manohar Lohia vs. State of Bihar**<sup>2</sup>, **Kanu Biswas vs. State of West Bengal**<sup>3</sup>, **Vijay Narain Singh vs. State of Bihar**<sup>4</sup> and held that offences committed against a particular individual fall within the ambit of "Law and Order" and when the public at large is adversely affected by the criminal activities of a person, such activities of that person are said to disturb the public order; moreover, individual cases can be dealt with by the criminal justice system; therefore, there is no need for the detaining authority to invoke the draconian preventive detention laws against an individual; and therefore, concluded that the detaining authority should be wary of invoking the immense power under the Act.

**6.** In view of the decision of a Division Bench of this Court in **Shaik Kaneez Fathima** (1 supra) and also the catena of decisions of the Hon'ble Apex Court (referred supra), and having regard to the fact that the detenues in the present case are also shown as Accused Nos.1 and 2,

---

<sup>2</sup> AIR 1966 SC 740

<sup>3</sup> (1972) 3 SCC 831

<sup>4</sup> (1984) 3 SCC 14

respectively, in respect of the very same crime, being Crime No.554 of 2021 of P.S. Saroornagar, the present Writ Petitions are allowed.

**7.** The impugned detention orders vide No.19/PD-CELL/CCRB/RCKD/2022 and No.18/PD-CELL/CCRB/RCKD/2022, of even date, dated 16.02.2022, passed by the 2<sup>nd</sup> respondent, and the consequential confirmation orders vide G.O.Rt.No.993, General Administration [Spl.(Law & Order)] Department, dated 09.05.2022, passed by the 1<sup>st</sup> respondent, are hereby set aside.

**8.** The respondents are directed to set the detenues, viz., Mahendrakar Raju, S/o.Late Gangaram and Jyothi @ Qamar Sulthana, W/o.Raju, at liberty forthwith, if they are no longer required in any other criminal case. No costs.

**9.** As a sequel, miscellaneous applications pending if any in these Writ Petitions, shall stand closed.

---

**A. ABHISHEK REDDY, J**

---

**JUVVADI SRIDEVI, J**

Date : 17.10.2022  
Ndr / Pvt