APHC010033842026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3558]
(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 2126/2026

Between:

1. KORRA RADHIKA,, D/O. KILLO MUKUNDAM, AGED 50 YEARS, R/O, MALIGUDA VILLAGE, G.K VEEDHI, GUDEM COLONY, VISAKHAPATNAM, ANDHRA PRADESH

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS CHIEF SECRETAIY, SECRETARIAT BUILDINGS, AMARAVATHI AT VELAGAPUDI, GUNTUR DISTRICT - 522237.
2. THE PRINCIPAL SECRETARY TO GOVERNMENT(FAC), REVENUE(EXCISE-II) DEPARTMENT, STATE OF ANDHRA PRADESH, SECRETARIAT BUILDINGS, AMARAVATHI AT VELAGAPUDI, GUNTUR DISTRICT - 522237.
3. THE COMMISSIONER OF POLICE, VISAKHAPATNAM CITY, VISAKHAPATNAM DISTRICT -530002.
4. THE SUPERINTENDENT OF POLICE, VISAKHAPATNAM DISTRICT - 530003.
5. THE SUPERINTENDENT, CENTRAL PRISON, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT - 530040.

...RESPONDENT(S):

Counsel for the Petitioner:

1. M.R.JWALA

Counsel for the Respondent(S):

1. ADDL ADVOCATE GENERAL

The Court made the following:

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.2126 of 2026

O R D E R: *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

The order of preventive detention dated 01.08.2025 passed by the detaining authority against a person by name Korra Laikon @ Laxman under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, is under challenge in this writ petition.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader attached to the office of the learned Additional Advocate General appearing for the respondents.

3. Considering the fact that two crimes were registered against a person by name Korra Laikon @ Laxman (hereinafter referred to as 'detenu') under the Narcotic Drugs and Psychotropic Substances Act, 1985, and that his acts in committing the said offences are prejudicial to the maintenance of public health as he is indulging in illicit trafficking, the detaining authority has passed the impugned order of preventive detention against him to prevent him from committing similar nature of offences in future, which are posing threat to public safety and health.

4. The said order of preventive detention is challenged by the petitioner, who is the mother of the detenu, on the ground that there is an inordinate delay in disposing of the representation submitted by her to the Government to reconsider the order of preventive detention

passed against the detenu and the said abnormal delay in disposing of the representation makes the further detention of the detenu invalid.

5. The 2nd respondent filed counter-affidavit. Perused and considered the same.

6. In the instant case, the petitioner, being the mother of the detenu, has submitted a representation to the State Government to reconsider the order of preventive detention on 17.12.2025 and the same was received by the State Government on 22.12.2025. The said representation is required to be disposed of without any unreasonable delay as per law. But, the State Government has disposed of the said representation rejecting the same on 18.03.2026. Thus, there is an abnormal and inordinate delay of 86 days in disposing of the said representation. No valid reasons are assigned explaining the said delay in disposing of the said representation by the State Government.

7. It is well settled law that when there is a delay in considering the representation and disposing of the same, though it will not render the very order of preventive detention illegal, but it renders the further detention of the detenu illegal and unconstitutional. The Division Bench of the common High Court for the State of Telangana and the State of Andhra Pradesh, in the case of ***Vasanthu Sumalatha v. State of Andhra Pradesh***[1], after considering the earlier precedents rendered on the point by the Apex Court and the High Courts, held at para 118 of the judgment as follows:

> *"In all the aforesaid cases, no explanation is forthcoming, in the counter-affidavits filed before this Court, for the delay in considering the representation. The delay in disposal of the representation of the detenu would vitiate only the continued detention of the detenu, and not the detention order. By reason of the delay, only further detention of the detenu is rendered illegal and unconstitutional."*

[1] 2016 (2) ALD (Crl.) 156

8. Following the ratio laid down in the aforesaid judgment, this Court, in W.P.No.21954 of 2025, as per the order dated 08.12.2025, also held that when there is a delay in disposal of the representation filed to reconsider the order of preventive detention and when no explanation is offered by the State for the said delay, as per the settled law, it renders the further detention of the detenu illegal and unconstitutional and thereby, allowed the said writ petition declaring the further detention of the detenu therein as illegal and unconstitutional and ordered to set the detenu therein at liberty.

9. Therefore, in view of the law enunciated in the aforesaid judgments, the further detention of the detenu in the present case is also not valid and it is illegal and unconstitutional, as admittedly there is inordinate delay in considering and disposing of the representation filed by the writ petitioner, who is the mother of the detenu, to reconsider the impugned order of preventive detention passed against the detenu.

10. Resultantly, the writ petition is allowed, declaring the further detention of the detenu by name Korra Laikon @ Laxman as illegal and unconstitutional. Consequently, the detenu is ordered to be released forthwith and he shall be set at liberty, if not required in any other case.

As a sequel, interlocutory applications, if any pending, in this case shall stand closed. There shall be no order as to costs.

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JUSTICE CHEEKATI MANAVENDRANATH ROY

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JUSTICE TUHIN KUMAR GEDELA

Date: 04.05.2026
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THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

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Dt: 04.05.2026

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