APHC010041222026

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

FRIDAY, THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.2379 of 2026

Between:

1. SMT. RELANGI DEVI, W/O. RELANGI LOVARAJU, AGED: 30 YEARS, OCC: LABOUR, R/O. H.NO.1-152, NEAR PATHA RAMALAYAM, RAJANAGARAM VILLAGE & MANDAL, EAST GODAVARI DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS CHIEF SECRETARY, GENERAL ADMINISTRATION (LAW & ORDER) DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATHI AT VELAGAPUDI, GUNTUR DISTRICT. A.P-522237.
2. THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE, EAST GODAVARI DISTRICT, AT RAJAMAHENDRAVARAM, A.P- 533101.
3. THE SUPERINTENDENT OF POLICE, EAST GODAVARI DISTRICT, AT RAJAMAHENDRAVARAM, A.P-533105.
4. THE SUPERINTENDENT, CENTRAL PRISON, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT, A.P-533106.

...RESPONDENT(S):

Counsel for the Petitioner:

1. BABUJI TENNETI

Counsel for the Respondent(S):

1. THE 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.2379 of 2026

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

The order of preventive detention dated 12.01.2026 passed against a person by name Relangi Lovaraju by the 2nd respondent – Collector & District Magistrate, East Godavari District, Rajamahendravaram, which, in turn, was confirmed by the State as per G.O.Rt.No.548, General Administration (SC-I) Department, dated 11.03.2026, is under challenge in this writ petition.

2. Heard Mr. Sravan Kumar Naidana, learned counsel representing Mr. Babuji Tenneti, learned counsel for the petitioner, and learned Special Government Pleader attached to the office of the learned Additional Advocate General appearing for the respondents.

3. The petitioner is the wife of a person by name Relangi Lovaraju (hereinafter referred to as 'detenu'). Five crimes were registered against the detenu for the offences punishable under the A.P. Prohibition (Amendment) Act, 2020. As he has been repeatedly indulging in commission of the said crimes, the sponsoring authority was of the opinion that an order of preventive detention is required to be passed against him in the interest of maintenance of public order and public health. Therefore, he made a recommendation to the 2nd respondent - detaining authority to pass an order of preventive detention against the detenu and he placed the relevant material before the detaining authority for the said purpose. The 2nd respondent- detaining authority has considered the said material and

he found that the acts of the detenu in repeatedly indulging himself in commission of the said offences are prejudicial to the maintenance of public order and public health. Therefore, he has passed the impugned order of preventive detention against the detenu. The same was considered and confirmed by the State in G.O.Rt.No.548, General Administration (SC-I) Department, dated 11.03.2026 and since then, he has been in custody.

4. The said order of preventive detention is challenged by the petitioner, who is the wife of the detenu, on the ground that in all the five crimes that were registered against him, bail was granted to the detenu even prior to passing the order of preventive detention and copies of the orders of bail in two cases were not produced before the detaining authority to enable him to consider the same to apply his mind whether to pass an order of preventive detention against the detenu or not as required under law and it vitiates the impugned order of preventive detention and, therefore, it is prayed to set aside the impugned order of preventive detention.

5. The 2nd respondent has filed his counter denying the material averments of the writ petition. It is admitted that in all the five crimes that were registered against the detenu, he was enlarged on bail, but it is denied that the orders of bail were not placed before the detaining authority and that they were not considered by him at the time of passing the impugned order of preventive detention. It is contended that in one case, bail was granted on 06.01.2026 and the proposal by the sponsoring authority was made on 29.12.2025 itself i.e., before the grant of bail in the said case and as such, the sponsoring authority had no opportunity to produce the said order before the detaining authority and as such, it will not vitiate the order of preventive detention.

6. The law is now well settled that when bail was granted to the detenu in all the cases prior to passing the order of preventive detention, copies of all the said bail orders are required to be placed before the detaining authority to enable him to consider the same to record his subjective satisfaction and to apply his mind whether to pass an order of preventive detention against the detenu or not. Failure to place any such orders before the detaining authority vitiates the order of preventive detention and renders the order of preventive detention invalid.

7. The said legal position has been considered by this Court in many cases. This Court, in W.P.No.18812 of 2025, after considering the judgment of the Apex Court in ***Rushikesh Tanaji Bhoite v. State of Maharashtra***[1]*,* wherein it is held that in a case where the detenu is released on bail and is enjoying his freedom under the order of the Court at the time of passing the order of detention, then such order of bail must be placed before the detaining authority to enable him to reach at the proper satisfaction, held that the failure to place the orders of bail granted to the detenu before the detaining authority renders the order of preventive detention invalid.

8. In the instant case, even though according to the plea taken in the counter, four bail orders are placed before the detaining authority, admittedly, one order of bail granted to the detenu on 01.08.2025 was not considered by the detaining authority. Though it is contended by the learned Special Government Pleader that the said order of bail was also placed by the sponsoring authority before the detaining authority, there is nothing to indicate in the impugned order of preventive detention that the said order of bail was placed before the detaining authority and he has considered the same and thereby, passed the

[1] (2012) 2 SCC 72

impugned order of preventive detention. When the impugned order of preventive detention is silent regarding the material fact that the said order of bail was placed before the detaining authority and that it was considered by him, the 2nd respondent cannot supplement the same by way of filing counter. The law is well settled by the Constitution Bench of the Apex Court in the judgment rendered in the case of ***Mohinder Singh Gill v. Chief Election Commissioner of India***[2], that the validity of a statutory order must be judged by the reasons contained in the order itself and cannot be supplemented by fresh reasons through affidavits or otherwise.

9. So, when it is not evident from the contents of the order of preventive detention that the bail order dated 01.08.2025 was placed before the detaining authority and that he has considered the same and thereafter passed the order of preventive detention, the contention of the State that the said order was in fact placed before the detaining authority cannot be accepted. If the bail order was really placed before the detaining authority, he has to refer the said order of bail in his order of preventive detention. If he fails to consider the same and refer the same in the order, it renders the order of preventive detention invalid. Therefore, on this sole ground, the order of preventive detention impugned in this writ petition is liable to be set aside.

10. Resultantly, the writ petition is allowed, setting aside the impugned order of preventive detention dated 12.01.2026 passed against the detenu, which, in turn, was confirmed by the State by G.O.Rt.No.548, General Administration (SC-I) Department, dated 11.03.2026. The detenu by name Relangi Lovaraju shall be released forthwith and shall be set at liberty, if not required in any other case. There shall be no order as to costs.

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[2] (1978) 1 SCC 405

As a sequel, interlocutory applications, if any pending, in this case shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 08.05.2026
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