APHC010714292025

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: 36537/2025

Between:

1. VATTIKUNTA LAKSHMAIAH NAIDU, S/O. LATE V.VENKATRAMAIAH NAIDU, AGE 54 YEARS, R/O. KAMMAPALLI VILLAGE, PULICHARLA MANDAL, CHITTOOR DISTRICT

...PETITIONER

AND

1. THE STATE OF AP, REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT BUILDINGS, AMARAVATHI AT VELAGAPUDI, GUNTUR DISTRICT
2. THE COLLECTOR AND DISTRICT MAGISTRATE, TIRUPATI DISTRICT.
3. THE SUPERINTENDENT OF POLICE, TIRUPATI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON, KADAPA, YSR KADAPA DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of Habeas Corpus under Article 226 of the constitution of India directing the 4TH respondent to produce Vattikunta Arun Kumar @ Arun, who is now detained in Central Prison, Kadapa, YSR Kadapa District before this Hon'ble

Court and he may be ordered to be released forthwith after declaring his detention vide Rc.Cl/750/2025, dt. 13.11.2025, passed by the 2ND respondent which was approved by the respondent vide G.O.Rt.No. 2198, dt.24.11.2025 General Administration (SC-I) Dept., as illegal and un constitutional and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to order amendment of the prayer in W.P.No.36537 of 2025 as “issue writ order or direction more particularly one in the nature of writ of Habeas Corpus under Article 226 of the constitution of India directing the 4th respondent to produce Vattikunta Arun Kumar @ Arun who is now detained in Central Prison, YSR Kadapa District before this Hon’ble Court and he may be ordered to be released forthwith after declaring his detention vide proceedings RC.Cl/750/2025, dt. 13.11.2025 passed by the 2nd respondent which was confirmed by the 1st respondent vide G.O.Rt.No.108 General Administration (SC-I) Department, dt.20.01.2026 as illegal and unconstitutional and pass such other order or orders which this Hon’ble Court may deem fit and proper in the circumstances of the case” instead of “issue writ order or direction more particularly one in the nature of writ of Habeas Corpus under Article 226 of the constitution of India directing the 4th respondent to produce Vattikunta Arun Kumar @ Arun, who is now detained in Central Prison, Kadapa, YSR Kadapa District before this Hon’ble Court and he may be ordered to be released forthwith after declaring his detention vide Rc.Cl/750/2025, dt. 13.11.2025, passed by the 2nd respondent which was approved by the respondent vide G.O.Rt.No. 2198, dt.24.11.2025 General Administration (SC-I) Dept., as illegal and unconstitutional and pass

Counsel for the Petitioner:

1. D PURNACHANDRA REDDY

Counsel for the Respondent(S):

1. ADDL ADVOCATE GENERAL

The Court made the following:

ORDER: *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

Challenging the legal validity of the order of preventive detention dated 13.11.2025, passed by the 2nd respondent-The Collector and District Magistrate, Tirupati District, against the detenu by name Vattikunta Arun Kumar @ Arun, who is the son of the petitioner, the instant writ petition has been filed.

2. Heard Mr. D.Purnachandra Reddy, learned counsel for the petitioner and learned Government Pleader attached to the office of the learned Additional Advocate General appearing for the respondents.

3. The petitioner is the father of a person by name Vattikunta Arun Kumar @ Arun (hereinafter referred to as 'the detenu'). Four cases were registered against the detenu for the offences punishable under various sections of law of Indian Penal Code, 1860, (for short, 'the IPC') and Bharatiya Nyaya Sanhita, 2023, (for short, 'the BNS Act'). As he has been repeatedly committing the said offences, even after he was enlarged on bail, the sponsoring authority has made a request to the detaining authority to pass an order of preventive detention against him, as his acts in committing the said offences repeatedly are found to be prejudicial to the maintenance of public order. After considering the material placed before him, the detaining authority also found that the detenu has been repeatedly committing the said offences even after grant of bail to him and his acts are prejudicial to the maintenance of public order. Therefore, he has passed an order of preventive detention against him, considering him as a "Goonda", as defined under Section 2(g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, (for short, 'the Act'). The said order was considered by the State and the State in turn has confirmed the said order *vide* G.O.Rt.No.108, GAD (SC-I) Department, dated 20.01.2026.

4. The said order of preventive detention is now questioned by the petitioner, who is the father of the detenu, on the ground that the orders of bail that are granted to the detenu are not placed before the detaining authority to consider the same before passing the order of preventive detention and it is a clear violation of law and it vitiates the order of preventive detention and thereby, prayed to set-aside the said order.

5. Admittedly, the detenu was enlarged on bail in all the aforesaid cases registered against him. It is settled law that when the detenu was enlarged on bail before passing an order of preventive detention, all the said orders of bail are to be placed before the detaining authority, to enable him to consider the same, to apply his mind whether to pass an order of preventive detention or not against him. Failure to place the said orders of bail before the detaining authority vitiates the order of preventive detention and makes the same invalid and the same is liable to be set-aside. Needless to cite various judgments rendered on this point earlier and suffice to refer a judgment of this Court rendered in the case of ***Rayipalli Gowriswari v. State of Andhra Pradesh and others***[1], wherein, while considering the judgment of the Apex Court rendered in the case of ***Rushikesh Tanaji Bhoite v. State of Maharashtra and others***[2]***,*** this Court held that failure to place the orders of bail before the detaining authority, to consider the same and to apply his mind for passing the order of preventive detention, renders the order of preventive detention invalid.

6. Therefore, the same analogy and the law applies to the present facts of the case. So, the impugned order of preventive detention is not valid under law and it is liable to be set-aside.

7. Resultantly, the Writ Petition is allowed, setting aside the impugned order of preventive detention, passed by respondent No.2 dated 13.11.2025,

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[1] W.P.No.15825 of 2025
[2] (2012) 2 SCC 72

against the detenu, by name Vattikunta Arun Kumar @ Arun, who is the son of the petitioner, which in turn was confirmed by the State *vide* G.O.Rt.No.108, GAD (SC-I), Department, dated 20.01.2026. The detenu, by name Vattikunta Arun Kumar @ Arun, shall be released forthwith and set at liberty, if not required in any other case. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 04.05.2026
MDP