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APHC010702582025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3601]

TUESDAY, THE 06TH DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

WRIT PETITION NO: 36719/2025

Between:

1. GUMMALA VIJAYA LAKSHMI,, W/O VENKATASUBBAIAH AGED ABOUT 37 YEARS, OCC HOME MAKER R/O CHALAMGARIPALLI, MUTHUKURU KADAPA, Y.S.R. KADAPA DISTRICT-516501.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS CHIEF SECRETARY GENERAL ADMINISTRATION (SC-1) DEPARTMENT A.P. SECRETARIAT OFFICE, VELGAPUDI GUNTUR DISTRICT-522238

2. THE COLLECTOR AND DISTRICT MAGISTRATE, Y.S.R. KADAPA DISTRICT- 516003.

3. THE SUPERINTENDENT OF POLICE, Y.S.R. KADAPA DISTRICT- 516003.

4. THE SUPERINTENDENT OF POLICE, CENTRAL PRISON, KADAPA. Y.S.R. KADAPA DISTRICT- 516003

...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 a Writ of Habeas Corpus directing the Respondents herein to produce my husband/detenuel.e., Gummalla @ Gummala Venkata Subbaiah @ Seshu, Aged about 39 years, Occ Unemployed, R/o Chalamgaripalli Village, Atlur Mandal, Kadapa, Y.S.R. Kadapa District, before this Hon'ble Court and may be set at liberty/ordered to be released forthwith by declaring the order of Detention passed by the 2nd Respondent Vide proceedings Rc.C1(MagI)/126/2025, dated 04.11.2025, as confirmed by G.O.R.T. No. 22, dated 25.01.2026 as illegal, arbitrary and colorable exercise of powers and violative of Article 14 and 21 of the Constitution of India and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case. Main prayer was amended as per c.o.dt.4.8.2026 Vide I.A.No.1 of 2026 in W.P.No.36719 of 2025.

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 amend the main prayer in W.P. No. 36719 of 2025 as It is just and necessary that this Hon'ble Court may be pleased to issue a Writ of Habeas Corpus

Counsel for the Petitioner:

1.RAMALAKSHMANA REDDY SANEPALLI

Counsel for the Respondent(S):

1.ADDL ADVOCATE GENERAL

The Court made the following:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

W.P.NO.36719 OF 2025

ORDER: *(per Hon'ble Sri Justice Purushottam Kumar Chintalapudi)*

Ms. Gummala Vijaya Lakshmi, the wife of Mr. Gummalla @ Gummala Venkata Subbaiah @ Seshu (hereinafter referred to as the detenu), filed this Writ Petition.

2. The relief sought for is

“...Writ of Habeas Corpus directing the Respondents to produce the husband of the Writ Petitioner, the detenu, namely, Gummalla @ Gummala Venkata Subbaiah @ Seshu, aged about 39 years, Occupation – unemployed, resident of Chalamgaripalli Village, Atlur Mandal, Kadapa, Y.S.R. Kadapa District, before this Hon'ble Court, and to set him at liberty/release him forthwith by declaring the order of detention passed by the 2nd respondent vide proceedings File No. REV-CSECOPDL(PRCO)/4/2025-SA(C1)-KDPCO, dated 04.11.2025, as illegal, arbitrary and a colourable exercise of power, and violative of Articles 14 and 21 of the Constitution of India.....”

Brief facts:

3. Respondent No.3 (hereinafter referred to as the referral authority), having found the detenu's involvement in nearly six crimes (tabulated below), forwarded a proposal to Respondent No.2 (hereinafter referred to as the detaining authority) with relevant material, seeking invocation of the Andhra Pradesh Prevention of Dangerous Activities of Boot-Leggings, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986 (referred to as the “Preventive Detention Act”). The detaining authority, based on the alleged involvement of the detenu in various crimes, described the detenu as

a Goonda under section 2(g) of the Preventive Detention Act, claiming that his activities are dangerous and likely to result in similar acts of violence in the future, and that he must be kept under control. The six crimes considered for detention are as follows:

Sl.No.	Crime number	Offences under section	Police station	Case status
1.	63 of 2024	457, 380 of I.P.C	Sidhout police station, Y.S.R Kadapa District.	Pending trial
2.	233 of 2024	331(4), 305 B.N.S.	Badvel U/G police Station, Y.S.R Kadapa District.	Under investigation
3.	210 of 2024	331(4), 305 B.N.S.	Duvvur police Station, Y.S.R Kadapa District.	Under investigation
4.	28 of 2025	331(4), 305(a) B.N.S.	Atmakur police Station, Nellore District.	Charge sheet was filed
5.	302 of 2025	457, 380 of I.P.C [331(4), 305(a) of BNS]	Mydukuru police station, Y.S.R Kadapa District.	Under investigation
6.	129 of 2025	111, 307, 132, 61(2) r/w 3(5) of B.N.S., Sec.20(1)(d)(i)(a)(b) r/w Sec.20(1)(C)(ii)(iii)(iv) (x), Sec.36(a) (b) r/w Sec.32 A, Sec:29(4) (a)(i) of the A.P Forest (Amendment) Act, 2016 and Sec.25(1B) (a) of Arms Act, 1959.	Badvel Rural Police Station, Y.S.R Kadapa District.	Under investigation

4. The detaining authority considered the following grounds for the detention of the detenu:

Ground No.1: Crime No.63 of 2024 of Sidhout Police Station, Y.S.R Kadapa District was registered on 24.05.2024 for the offences under sections 457 and 380 of the Indian Penal Code, the detenu was arrested on 25.10.2024 and was released on regular bail on 28.11.2024, charge sheet was filed on the file of Judicial Magistrate of I Class, Sidhout.

Ground No.2: Crime No.233 of 2024 of Badevel U/G Police Station, Y.S.R Kadapa District was registered on 01.08.2024 for the alleged offences under sections 331(4), 305 of the Bharatiya Nyaya Sanhita, 2023, detenu was arrested on execution of Prisoner Transfer Warrant on 06.08.2025 and later he was enlarged on bail on 03.10.2025.

Ground No.3: Crime No.210 of 2024 of Duvvur Police Station, Y.S.R. Kadapa District, was registered on 06.09.2024 for the alleged offences under Sections 331(4) and 305 of the Bharatiya Nyaya Sanhita, 2023. The detenu was in judicial remand in the said crime at the time of passing of the detention order.

Ground No.4: Crime No.28 of 2025 of Atmakur Police Station, S.P.S.R. Nellore District, occurred on 04.03.2025 and the crime was registered on the same day for the alleged offences under Sections 331(4) and 305(a) of the Bharatiya Nyaya Sanhita, 2023. The detenu was enlarged on bail on 15.04.2025. The charge sheet was subsequently filed.

Ground No.5: Crime No.302 of 2025 of Mydukuru Police Station, Y.S.R. Kadapa District, occurred between 03.02.2024 at 8:00 PM and 04.02.2024 at 7:30 AM. When the complainant opened the shop on 04.02.2024, they

noticed that certain gold ornaments had been stolen. The complaint was lodged after a lapse of 18 months, on 30.07.2025, for the alleged offences under Sections 457 and 380 of the Indian Penal Code. The remand report is not placed on record.

Ground No.6: Crime No.129 of 2025 of Badvel Rural Police Station, Y.S.R. Kadapa District, occurred on 06.08.2025 and was registered the same day for alleged offences under Sections 111, 307, 132, 61(2) read with 3(5) of the B.N.S.; Section 20(1)(d)(i)(a)(b) read with Section 20(1)(C)(ii)(iii)(iv)(x); Section 36(a)(b) read with Section 32A; Section 29(4)(a)(i) of the A.P. Forest (Amendment) Act, 2016; and Section 25(1B)(a) of the Arms Act, 1959. On the same day, while police officials were conducting routine vehicle checks, they apprehended the detenu. Upon enquiry, the detenu confessed to the crime, after which police arrested him and released him on bail on 07.10.2025.

5. The detaining authority, having found the involvement of the detenu in these crimes, effects the public order, reaching to subjective satisfaction issued the order of detention dated 04.11.2025 and the detenu was sent to Central Prison, Kadapa. The detaining authority forwarded it to the Advisory Board, which held its meeting on 02.12.2025 and thereafter forwarded its opinion to Respondent No.1, the State. On considering the opinion of the Advisory Board that **“there is sufficient cause in detention of the detenu”** Respondent No.1, under section 12(1) read with section 13 of the Preventive Detention Act, confirmed the order of detention under G.O.R.T. No.22, dated 05.01.2026, for a period of 12 months from the date of his detention, i.e., 06.11.2025.

6. The petitioner has challenged these orders.

Petitioner's case:

7. The petitioner asserted that the detaining authority passed the order of detention in a mechanical manner, without relevant and existing grounds, and that the detention is therefore illegal. The petitioner challenges the detention order on various grounds, including that Respondent No.3, the Superintendent of Police, Y.S.R. Kadapa District, ought to have investigated the whereabouts of the detenu and his recent anti-social activities before passing the order.

8. The detaining authority took the various crimes into consideration without considering whether there was a real possibility of prejudicial future conduct. It also failed to supply the detenu with all the relevant case documents to enable him to make an appropriate representation, and failed to consider that the alleged incidents constituted a breach of law and not a breach of law and order. Crime No.28 of 2025 (Sl.No.4), of Atmakur Police Station, S.P.S.R. Nellore District, has occurred outside the territorial jurisdiction of detaining authority; even so, they considered that offence and issued the detention proceedings which is not proper. The detaining authority wrongly treated the detenu as a "Goonda" and illegally detained him.

Respondent's case:

9. In response detaining authority filed a counter-affidavit denying all the allegations.

10. It asserts that, it has considered the detenu's involvement in the six alleged crimes and that, the facts and circumstances of the case, it arrived to satisfaction that, the detenu's continued movement was not safe in the interest of society, since there was an imminent possibility of his indulging in similar prejudicial activities detrimental to public order, that, unless prevented by an

appropriate order of detention, the detenu would likely to continue such activities; accordingly, the detention order is passed. The authorities served the copy of the detention order on the detenu. The order was forwarded to the advisory board and on its opinion, the respondent no. 1 (hereinafter referred as State) exercising its powers, approved the order of detention and issued the proceedings accordingly.

11. The detaining authority correctly applied section 2(g) of the Preventive Detention Act and described the detenu as a Goonda, since he is a member or leader of a Goonda gang who habitually commits offences punishable under Chapters XVI, XVII and XXII of the Indian Penal Code, 1860. The bails granted to the detenu did not stop his continuing criminal activities. His actions pose a threat to public peace, safety and order, and he is likely to continue the same offences unless prevented. The detaining authority specifically stated that it had invoked the provisions of the Preventive Detention Act, and duly communicated the order of detention. If released, the detenu's activities would prejudice society and cause harm to public order, law and order, and societal peace. The detaining authority passed the order after careful scrutiny of the entire material and forwarded it to the Advisory Board, which considered the entire material placed before it and issued its opinion. The detaining authority considered the six cases — three from 2024 and three from 2025 — and was satisfied that there was connectivity and a live link between the offences.

12. The detaining authority replied to the ground regarding territorial jurisdiction and the validity of the detention order, that, it passed the detention order after considering the detenu's habitual activities, which have a direct nexus with the maintenance of public order. The fact that one crime occurred outside the District limits does not divest the detaining authority of its jurisdiction, since the detenu's other activities demonstrate a continuous threat affecting public

order in the District. Respondent No.2 passed the detention order appropriately, without deviating from any provision of the Act.

Arguments of learned counsels:

13. Sri S. Ramalakshmana Reddy, learned counsel for the petitioner, and Sri Kirthi Teja Kondaveeti, learned Assistant Public Prosecutor, appearing for Respondents No.1 and 2 have advanced their submissions.

14. Sri S. Ramalakshmana Reddy, argued that the detaining authority did not consider the bails granted to the detenu in the several offences and wrongly detained him. His main argument was that there was a variation in territorial jurisdiction. He further argued that there was substantial delay on the part of the State in confirming the detention order. Learned counsel further submitted that: in Sl.No.1, Crime No.63 of 2024 of Sidhout Police Station, the Court granted bail on 28.11.2024, though the detention order was passed on 04.11.2025; in Sl.No.2, Crime No.233 of 2024 of Badvel U/G Police Station, the Court granted the detenu bail on 03.10.2025; in Sl.No.3, Crime No.210 of 2024 of Duvvur Police Station, the detenu remained in judicial custody at the time the detention order was passed; in Sl.No.4, Crime No.28 of 2025 of Atmakur Police Station, S.P.S.R. Nellore District, the Court granted the detenu bail on 15.04.2025; in Sl.No.5, Crime No.302 of 2025 of Mydukuru Police Station, the detenu remained in judicial custody at the time the detention order was passed; and in Sl.No.6, Crime No.129 of 2025 of Badvel Rural Police Station, Y.S.R. Kadapa District, the Court granted bail on 07.10.2025, before the detention order was passed. Learned counsel submitted that the detaining authority did not take these grants of bail into consideration, despite passing the detention order based on all six offences. He further submitted that although Crime No.28 of 2025, allegedly committed on 04.03.2025, in fact occurred in S.P.S.R. Nellore District,

the other crimes occurred within the territorial jurisdiction of Respondent No.2, the District Collector-cum-District Magistrate, Y.S.R. Kadapa District.

15. Learned counsel for the petitioner relied on sub-section (2) of section 3 of the Preventive Detention Act, stressing that the detaining authority must consider the circumstances prevailing or likely to prevail within the local limits of the jurisdiction of the District Magistrate or Commissioner of Police before issuing an order of detention. Since Crime No.28 of 2025 did not occur within the jurisdiction of Respondent No.2, it was improper for Respondent No.2 to take it into consideration as one of the six crimes and issue the detention order.

16. He further argued that the detaining authority failed to consider the bails granted to the detenu in Crime Nos.63 of 2024, 233 of 2024, 28 of 2025 and 129 of 2025, and that such non-consideration renders the detention order illegal. In W.P.No.33545 of 2025, a Co-ordinate Bench of this Hon'ble Court specifically held that

“that not placing of orders of bails before the concerned Advisory Board before giving the opinion and also not placing before the detaining authority would amount to illegality of detention.”

17. Learned counsel relied on **Nenavath Bujji v. State of Telangana & Ors.**¹, and argued that extraneous considerations taken into account by a detaining authority vitiate an order of preventive detention. In the present case, the detaining authority took into account an offence committed outside its jurisdiction, which amounts to an extraneous consideration. Relying on the above rulings, learned counsel submitted that the detaining authority's failure to properly

¹ (2024) 17 SCC 294

consider the bails granted to the detenu, at the time it passed the detention order, renders the proceedings illegal, that the illegal proceedings amount to illegal detention, and that the Court should release the detenu on bail.

18. In reply, Sri Kirthi Teja Kondaveeti, learned Government Pleader appearing for Respondents No.1 and 2 submitted that the detaining authority considered all the relevant material circumstances and passed a reasoned order following due procedure of law, without violating any provision of law. He submitted that the detaining authority can consider the offence committed outside its jurisdiction as part of the same live transaction when passing the order of detention, and that there is no bar against doing so. As per sub-section (2) of section 3 of the Preventive Detention Act, the detaining authority must consider the circumstances prevailing as on the date of passing the detention order, and not otherwise. Of the six crimes, five were committed within the jurisdiction of Respondent No.2; the sixth, Crime No.28 of 2025, though it occurred in S.P.S.R. Nellore District, was committed by an offender from within the jurisdiction of Respondent No.2. As such, there is no deviation from the provisions of law, and he sought dismissal of the writ petition.

19. Learned Government Pleader fairly conceded that neither the detaining authority nor the Advisory have considered the bails to the detenu. Respondent No.2 ordered the detention of the detenu vide proceedings dated 04.11.2025, and the detenu was sent to the Central Prison, Kadapa, on 06.11.2025. Following due procedure, Respondent No.2 forwarded the matter to the Advisory Board, which held its meeting on 02.12.2025 and thereafter forwarded its opinion — “forwarded the said opinion to the state and there is sufficient cause for detention of the detenu”— to Respondent No.1, the State, and the State confirmed the order by ordering 12 months’ detention vide G.O.R.T. No.22, dated 05.01.2026. In passing the detention order, the detaining

authority relied on the facts and circumstances and on the report submitted by the Superintendent of Police, Kadapa, that the detenu is involved in six crimes. The detenu was primarily involved in offences of theft.

20. Sri. S. Ramalakshmana Reddy, learned counsel for the petitioner refuted that the detaining authority did not consider the bails granted to the detenu by the time the detention order was passed. His contention was that the detenu had already been granted bail in four of the crimes by that time, and that in two crimes the detenu was in judicial remand, and that the detaining authority considered neither the grants of bail nor the fact of remand. The learned Assistant Public Prosecutor on the other hand, submitted that the detaining authority's order specifically noted the bails that had been granted. The material before the detaining authority properly referred to the grant of bail in four crimes: Crime No.63 of 2024 of Sidhout Police Station, Crime No.233 of 2024 of Badvel U/G Police Station, Crime No.28 of 2025 of Atmakur Police Station, S.P.S.R. Nellore District, and Crime No.129 of 2025 of Badvel Rural Police Station (Sl.Nos.1, 2, 4 and 6 in the tabular form above). The detaining authority also noted that investigation was pending in Crime No.210 of 2024 of Duvvur Police Station and Crime No.302 of 2025 of Mydukuru Police Station (Sl.Nos.3 and 5 in the tabular form above), and that the detenu was under remand in those crimes; there is accordingly no illegality. On perusal of the order, it is evident that the detention order refers to the fact that in Crime No.63 of 2024 of Sidhout Police Station, Crime No.233 of 2024 of Badvel U/G Police Station, Crime No.28 of 2025 of Atmakur Police Station, S.P.S.R. Nellore District, and Crime No.129 of 2025 of Badvel Rural Police Station (Sl.Nos.1, 2, 4 and 6 in the tabular form above), the detenu had already been granted bail. This shows that the detaining authority noted all the bails granted, and that the detenu remained in judicial remand in the crimes in which bail was not granted. Therefore, the ground that

the detaining authority did not consider the bails granted to the detenu is incorrect.

Discussion:

21. We have heard submissions of Sri. S. Ramalakshmana Reddy, learned counsel for the petitioner and Sri Kirthi Teja Kondaveeti, learned Government Pleader and considered the record.

22. The challenge in the present writ is that, the detention of the detenu is not as per the established principles. As such, his fundamental right under Article 21 is violated. Upon considering the facts and contentions of petitioner, reply of the respondents, the grounds challenging the detention fall on three categories.

Ground No. 1

23. Contention of the petitioner is, there is substantial delay by the State, in passing the confirmation order. The chronology show, the order of detention was passed on 04.11.2025 basing on the 6 crimes that the detenu is allegedly involved. Then, the matter placed before the Advisory Board and the Board gave its opinion on 02.12.2025. The State, upon considering the order of detention and the opinion of the Board, has passed the orders confirming the detention on 05.01.2026 ordering for 12 months detention. The above chronology does show, the detention order was passed on 04.11.2025, forwarded to Board on 21.11.2025, recommendation of the Board has been forwarded on 02.12.2025, the confirmation was on 05.01.2026. The Advisory Board has considered the detention order on 02.12.2025. Which are within the reasonable time. If this is the case, the ground of delay in considering the detention order by the respective authorities is not correct. The ground do not sustain.

Ground No. 2.

24. The other ground is that the detaining authority improperly considered Crime No.28 of 2025 (Sl.No.4 in the tabular form above), which occurred in S.P.S.R. Nellore District, which is outside the jurisdiction of detaining authority. That crime was considered along with the other five crimes that occurred within the jurisdiction of detaining authority. It is relevant to reproduce section 3 of the Preventive Detention Act, which reads as follows:

“3. Power to make orders detaining certain persons:-

(1) The Government may, if satisfied with respect to any boot-legger, dacoit, drug-offender, goonda, immoral traffic offender or land-grabber that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order, it is necessary so to do, make an order directing that such person be detained.

(2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the Government are satisfied that it is necessary so to do, they may, by order in writing, direct that during such period as may be specified in the order, such District Magistrate or Commissioner of Police may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section:

Provided that the period specified in the order made by the Government under this sub-section shall not in the first instance, exceed three months, but the Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.

(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the Government together with the grounds on which the order has been made and such other particulars as in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the Government”.

25. Sub-section (1) empowers the Government to order detention upon being satisfied regarding the offences committed by the detenu, while sub-section (2) provides that, on considering the circumstances prevailing within the local limits of the jurisdiction of the District Magistrate, the District Magistrate may invoke the power under section 3 of the Preventive Detention Act.

26. According to learned counsel for the petitioner, the phrase “local limits of the jurisdiction of a District Magistrate” is not applicable to the present case, since Respondent No.2 has local limits of jurisdiction over Y.S.R. Kadapa District, whereas the offence in Crime No.28 of 2025 of Atmakur Police Station, S.P.S.R. Nellore District (Sl.No.4 in the tabular form), occurred outside the District of Respondent No.2. This shows that detaining authority ought to have not considered this crime for subjective satisfaction and could not have passed an order of detention for all the offences. Learned counsel for the petitioner submitted that it was improper for Respondent No.2 to add the offence committed outside his jurisdictional limits and to record his satisfaction on that basis, since that crime is not within his jurisdiction and he cannot take it into consideration.

27. Learned Government Pleader refuted this argument as not maintainable.

28. The provision of Sec. 3 (2) of the Preventive Detention Act, prescribes the authority to pass orders within the local limits of jurisdiction of the authority.

29. Similar question has come up before this Bench in **Devalla Divya v. State of Andhra Pradesh & 3 Others**², wherein this Bench has discussed at length the authority and legality of the detention orders in such circumstances. The Bench relied on **Suman v. State of Tamil Nadu**³ and **Nenavath Bujji** (supra). This Bench has applied the provisions of Section 3 of the Act and discussed the same in paragraph 18, as under:

“18. Conjoint reading of sub-Section (1) & (2) of Section 3 makes it clear that if the activities, inter-alia, of „Goonda” are prejudicial to the maintenance of the public order and Government or the District Magistrate or Commissioner of Police is satisfied, that in order to prevent such person from acting in any manner prejudicial to the maintenance of public order, such person may be detained by passing the order. The District Magistrate, and also the Commissioner of Police have the power to pass such order if they are satisfied that having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of such authorities there is need to pass the preventive detention order on their satisfaction as required under law. It transpires to us that, what is relevant is, not the place, if falling outside the territorial jurisdiction of the detaining authority, where the offence is registered, but the circumstances prevailing or likely to prevail in the area within the local limits of the jurisdiction of the detaining authority that it is necessary to pass an order of preventive detention as provided in sub-section (1). So it cannot be said that if there are criminal cases registered against the detenu falling outside the territorial jurisdiction of the detaining authority, those cannot be taken into consideration. Those criminal cases, in our view, can certainly be taken into consideration. If there is any other case pending within the territorial jurisdiction of the detaining authority, the detaining authority in consideration of the circumstances prevailing or likely to prevail with respect to the activities of the detenu, irrespective of the location of the police stations where the criminal cases are registered, is satisfied on the

² W.P.No.35016 of 2025, decided on 25.09.2026

³ H.C.P.No.484 of 2004, decided by the High Court of Madras on 14.09.2004,

material that those activities are prejudicial to the maintenance of the public order, within the area falling in territorial jurisdiction of the detaining authority, he can pass an order of preventive detention under the Act, 1986.”

30. On consideration of the legal position, this bench held that, if at all the detaining authority wanted to take into consideration the FIRs registered with the police station not falling within his territorial jurisdiction, the he should have recorded the subjective satisfaction that, the incidences of the FIR created a “public disorder”. With the said observations, the writ petition was allowed.

31. In the present case, as to the crime No.28 of 2025, which fall outside the jurisdiction of the detaining authority, though referred the crime in its order, did not say any subjective satisfaction that, the incidence of the crime has a bearing on the public disorder. The detention order reads, that it considered all the six crimes and universally applied the disturbance to public order, without specifically stating, how this crime has a nexus to the crimes in his jurisdiction and “Adversely effecting the public order” or “Prejudicial to the maintenance of public order”. The detaining authority must have been satisfied on that aspect. But in the present case, the detention order do not speak, that the crimes in his territorial jurisdiction, has a connection with the activities committed outside the territorial jurisdiction of the detaining authority. In the absence of any finding recorded on such satisfaction, the order of preventive detention cannot be sustained on the said criminal case, for the area falling outside the territorial jurisdiction of the detaining authority. We do not find the mention of subjective satisfaction with respect to the above crime in the preventive detention order,as such, the said order of detention is against the established principles of law. With the above legal principle, the detention order does not sustain.

Ground no. 3:

32. The contention of the petitioner is that though the detaining authority has recorded that the detenu is involved in six crimes, it failed to appreciate that in four cases bail was granted and in two cases he was in judicial remand, and they have not recorded subjective satisfaction in that regard.

33. Learned counsel for the petitioner relied on the decision of a Coordinate Bench of this Court in **Buddiga Dhana Lakshmi v. State of Andhra Pradesh**⁴, wherein it was held that non-consideration of bail orders was improper.

34. In the present case, out of the six crimes, the detenu had been granted bail in four, and in the remaining two the detenu was undergoing detention with investigation pending. Admittedly, by the time the detention order was passed, the detenu was in judicial remand in Crime No.210 of 2024 of Duvvur Police Station and Crime No.302 of 2025 of Mydukuru Police Station (Sl.Nos.3 and 5 in the tabular form). As such, there could be no occasion to consider the orders of bails by that time.

35. Learned counsel for the petitioner argued that the detaining authority did not record the specific grounds for its subjective satisfaction, but merely stated them mechanically. We have perused the detention order, in which the detaining authority has not stated about the subjective satisfaction in specific that, the detenu though granted bail, his activities are prejudicial to the public order that, on bail he would indulge in or continue such activities. There is no record to show, that the referring authority has made any reference in its

⁴ W.P. No.33545 of 2025, decided on 13.07.2026

reference. In the absence of it, the conclusion of the detaining authority in passing detention order, do not fall under the established principles of law.

36. In a petition for a Writ of Habeas Corpus, this Court examines whether the detenu was afforded the opportunities prescribed under the Act, followed the subjective satisfaction of nexus of various criminal activities has effect on the public order despite of the detenu is granted with bail in the same crimes.

Sl. No.	Crime No.	Status
i.	Crime No.63 of 2024	Bail granted on 28.11.2024
ii.	Crime No.233 of 2024	Bail granted on 03.10.2025
iii.	Crime No.210 of 2024	Detenu was in judicial remand
iv.	Crime No.28 of 2025	Bail granted on 15.04.2025
v.	Crime No.302 of 2025	Detenu was in judicial remand
vi.	Crime No.129 of 2025	Bail granted on 07.10.2025

37. The above facts do show, in four crimes he was granted bail prior to order of detention and others after passing the order of detention. There is no record that, the passing of orders of bail were placed before the advisory board or state before passing order of confirmation. This would show serious lapses on the part of respondents.

38. In the case of **Nenavath Bujji** cited supra, the Hon'ble Supreme Court laid down certain guidelines. Para 45 relevant are reproduced hereunder:

“(ii)Summary of the findings

45.We summarise our conclusions as under:

45.1.The detaining authority should take into consideration only relevant and vital material to arrive at the requisite subjective satisfaction.

45.2.It is an unwritten law, constitutional and administrative, that wherever a decision-making function is entrusted to the subjective satisfaction of the statutory functionary, there is an implicit duty to apply his mind to the pertinent and proximate matters and eschew those which are irrelevant and remote.

45.3.There can be no dispute about the settled proposition that the detention order requires subjective satisfaction of the detaining authority which, ordinarily, cannot be questioned by the court for insufficiency of material. Nonetheless, if the detaining authority does not consider relevant circumstances or considers wholly unnecessary, immaterial and irrelevant circumstances, then such subjective satisfaction would be vitiated.

45.4.In quashing the order of detention, the Court does not sit in judgment over the correctness of the subjective satisfaction. The anxiety of the Court should be to ascertain as to whether the decision-making process for reaching the subjective satisfaction is based on objective facts or influenced by any caprice, malice or irrelevant considerations or non-application of mind.

45.5.While making a detention order, the authority should arrive at a proper satisfaction which should be reflected clearly, and in categorical terms, in the order of detention.

45.6.The satisfaction cannot be inferred by mere statement in the order that "it was necessary to prevent the detenu from acting in a manner prejudicial to the maintenance of public order". Rather the detaining authority will have to justify the detention order from the material that existed before him and the process of considering the said material should be reflected in the order of detention while expressing its satisfaction.

45.7.Inability on the part of the State's police machinery to tackle the law and order situation should not be an excuse to invoke the jurisdiction of preventive detention.

45.8.Justification for such an order should exist in the ground(s) furnished to the detenu to reinforce the order of detention. It cannot be explained by reason(s)/grounds(s) not furnished to the detenu. The decision of the authority must be the natural culmination of the application of mind to the relevant and material facts available on the record; and

45.9.To arrive at a proper satisfaction warranting an order of preventive detention, the detaining authority must, first examine the material adduced against the prospective detenu to satisfy itself whether his conduct or antecedent(s) reflect that he has been acting in a manner prejudicial to the maintenance of public order and, second, if the aforesaid satisfaction is arrived at, it must further consider whether it is likely that the said person would act in a manner prejudicial to the public order in near future unless he is prevented from doing so by passing an order of detention. For passing a detention order based on subjective satisfaction, the answer of the aforesaid aspects and points must be against the prospective detenu. The absence of application of mind to the pertinent and proximate material and vital matters would show lack of statutory satisfaction on the part of the detaining authority.”

39. In the case of **Buddiga Dhanalaxmi** (supra), it was observed in paragraphs 13, 15 and 16 as follows:

“13. A perusal of the aforesaid further shows that in five cases at Sl.Nos.B, C, D, F and G bails had been granted prior to passing of the detention order dated 31.07.2025. In case at D, bail was granted on 30.07.2025, so even if that be excluded, in all other four cases in which bail was granted, deserved consideration by the District Collector while passing the detention order. Further, in any case bails were granted in all seven cases before G.O.Rt.No.1481 dated 07.08.2025 and G.O.Rt.No.1914 dated 17.10.2025 were issued but there also, there is no consideration of the bails granted in all seven cases.

15. The aforesaid is the settled position in law. The bail order and the conditions of bail are relevant material to be considered to arrive at the satisfaction if the order of detention is yet to be passed.

16. Admittedly, there is no consideration of all the bail orders in the order of detention though in five cases the bail was granted prior to passing of the order of detention and even in the order of approval and confirmation by the State there is no consideration whereas by that time in all seven cases bail (s) had been granted.”

40. In the case of **Ameena Begum v. State of Telangana & Others**⁵, the Hon’ble Supreme Court laid down the principles for examining the legality of an order of preventive detention, which were subsequently followed.

41. The above guidelines would show that, the detaining authorities are cast upon the duty to take into consideration of relevant material, circumstances and the current status, and arrive at subjective satisfaction that, normal laws will not prevent the detenu from indulging in prejudicial activities effecting public order. In the case of commission of offence outside the jurisdiction, the detaining authority has to place the subjective satisfaction that, such crime has an effect in the public order of his jurisdiction, which shall be prevented in future. The detention order do not reflect that, though bail was granted in the recorded cases, it did not speak about arriving at subjective satisfaction. The reasons arrived at for ordering detention do not satisfy the requirements mandated in the rulings in **Nenavath Bujji (supra)**, **Ameena Begum (supra)** and **Buddiga Dhana Lakshmi (supra)**.

42. For the above reasons, we find that the order of detention lacks the proper appreciation of application of subjective satisfaction that, if the detenu is not prevented he would cause harm to public order.

⁵ (2023) 9 SCC 587

43. We therefore of the view that, the detention order affects the fundamental right of the detenu, as such he shall be released forth with is proper. The order of detention therefore requires interference, and the Writ Petition do sustain.

Result:

44. In the result, the Writ Petition No.36719 of 2025 is allowed. The order of detention issued by respondent No.2 and final order of confirmation of the respondent No.1 are hereby set aside. The detenu Sri Gummalla @ Gummala Venkata Subbaiah @ Seshu shall be released forthwith, if he is not required in any other case. We make no order as to costs.

Consequently, pending miscellaneous applications, if any, shall stand closed.

RAVI NATH TILHARI, J

PURUSHOTTAM KUMAR CHINTALAPUDI, J

Date: 06.10.2026

DSV

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

WRIT PETITION NO: 36719/2025

(per Hon'ble Sri Justice Purushottam Kumar Chintalapudi)

Date: 06.10.2026

DSV