

Date of reserved for orders :

Date of pronouncement :

Date of uploading :

APHC010714082025



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

[3601]

THURSDAY, THE 9th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI**

WRIT PETITION NO: 36538/2025

Between:

1.NIDIGUNTA ADI LAKSHMI, W/O NIDIGUNTA NARASIMHULU,
MOTHER OF DETENUE, AGED ABOUT 57 YEARS, R/O 2/119,
POLERAMMA TEMPLE STREET, PEDDA PADUGUPADU, SPSR
NELLORE DISTRICT.

...PETITIONER

AND

1.THE STATE OF AP, REP.BY ITS BY CHIEF SECRETARY TO
GOVERNMENT, GENERAL ADMINISTRATION DEPARTMENT.
SECRETARIAT, AMARAVATI, GUNTUR DISTRICT.

2.THE DISTRICT COLLECTOR, NELLORE, SPSR NELLORE DISTRICT.

3.THE SUPERINTENDENT OF POLICE, NELLORE, SPSR NELLORE
DISTRICT.

4.THE SUPERINTENDENT, CENTRAL PRISON, KADAPA, KADAPA
DISTRICT.

5.THE STATION HOUSE OFFICER, KOVUR PS, SPSR NELLORE
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 pray that this Honble Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Habeas Corpus, declaring the order of detention passed by the 2nd respondent against the detainee namely Smt. Nidigunta Aruna, D/o Narasimhulu, aged about 31 years, vide Proceedings Rc.C1(MagI)/114/2025 dated 08.12.2025, the consequential approval order passed by the 1st respondent vide G.O.Rt.No.2388, General Administration (SC-I) Department, dated 17.12.2025, and the subsequent confirmation order passed by the 1st respondent vide G.O.Rt.No.251, General Administration (SC-I) Department, dated 06.02.2026, as illegal, arbitrary, unconstitutional and violative of Articles 14, 19, 21 and 22 of the Constitution of India and provisions of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, and consequently set-aside the 2nd Respondents detention order vide Proceedings Rc.C1(MagI)/114/2025 dated 08.12.2025, consequential approval order vide G.O.Rt. No.2388, General Administration (SC-I) Department, dated 17.12.2025, and further consequential confirmation order vide G.O.Rt.No.251, General Administration (SC-I) Department, dated 06.02.2026 passed by the 1st Respondent, by enlarging the detainee at liberty forthwith from illegal detention and pass such other order or orders as this Honble Court may deem fit and proper in the interests of justice. Main prayer was amended as per c.o.dt.26.2.2026 Vide I.A.No.1 of 2026 in W.P.No.36538 of 2025.

IA NO: 1 OF 2025

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 to suspend the order of detention passed by the 2 Respondent vide RC. C1(MagI)/114/2025 dated 08/12/2025 and consequential order of approval passed by the 1st respondent vide G.O.RT.No. 2388, GENERAL ADMINISTRATION (SC-I) DEPARTMENT dated 17-12-2025 and be pleased to pass

IA NO: 2 OF 2025

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

pleased to direct the 4th Respondent to permit the Petitioner's family and advocate to meet the detainee by name Nidigunta Aruna, D/o Narasimhulu, aged 31 years, R/o Old Harijanawada, Poleramma street, Sai Enclave Apartment, KRR Nagar, Peddapadugupadu Village, Kovur Mandal, Sri Potti Sriramulu Nellore District and be pleased to 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 AMEND the Main Prayer as It is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Habeas Corpus, declaring the order of detention passed by the 2nd respondent against the detainee namely Smt. Nidigunta Aruna, D/o Narasimhulu, aged about 31 years, vide Proceedings Rc.C1(MagI)/114/2025 dated 08.12.2025, the consequential approval order passed by the 1st respondent vide G.O.Rt.No.2388, General Administration (SC- I) Department, dated 17.12.2025, and the subsequent confirmation order passed by the 1st respondent vide G.O.Rt.No.251, General Administration (SC-I) Department, dated 06.02.2026, as illegal, arbitrary, unconstitutional and violative of Articles 14, 19, 21 and 22 of the Constitution of India and provisions of the A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, and consequently set-aside the 2'^ Respondents detention order vide Proceedings Rc.C1(MagI)/114/2025 dated 08.12.2025, consequential approval order vide G.O.Rt.No.2388, General Administration (SC-I) Department, dated 17.12.2025, and further consequential confirmation order vide G.O.Rt.No.251, General Administration (SC-I) Department, dated 06.02.2026 passed by the 1®* Respondent, by enlarging the detainee at liberty forthwith from illegal detention and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interests of justice". INSTEAD OF " It is therefore prayed that this Hon'ble Court may be pleased to issue writ order or direction more particularly one in the nature of writ of Habeas to declare the order of detention passed by the 2nd Respondent against Nidigunta Aruna, D/o Narasimhulu, aged 31 years, R/o Old Harijanawada, Poleramma street, Sai Enclave Apartment, KRR Nagar, Peddapadugupadu Village, Kovur Mandal, Sri Potti Sriramulu Nellore District, vide RC. C1(MagI)/114/2025 dated 08/12/2025 and consequential order of approval passed by the 1st respondent vide G.O.RT.No. 2388, GENERAL ADMINISTRATION (SC-I) DEPARTMENT, dated 17-12-2025, as illegal, arbitrary and unconstitutional and consequently to direct the 4th respondent

to forthwith release the detainee by name Nidigunta Aruna, D/o Narasimhulu, aged 31 years, R/o Old Harijanawada, Poleramma street, Sai Enclave Apartment, KRR Nagar, Peddapadugupadu Village, Kovur Mandal, Sri Potti Sriramulu Nellore District by setting aside the order of detention passed by the 2nd Respondent vide RC. CI (Magi.)/114/2025 dated 08/12/2025 and consequential order of approval passed by the 1st respondent vide G.O.RT.No. 2388, GENERAL ADMINISTRATION (SC-I) DEPARTMENT, dated 17.12.2025 and be pleased to pass such other order or orders as this Hon'ble court may deem fit and proper in the facts and circumstances of the case in the interest of justice." And be pleased to pass

Counsel for the Petitioner:

1.K VENKATA SUBBAIAH

Counsel for the Respondent(S):

1.THE ADVOCATE GENERAL

The Court made the following:

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

WRIT PETITION NO: 36538/2025

ORDER: *(per Ravi Nath Tilhari, J)*

Heard Sri Syed Khader Mastan, learned counsel appearing for the petitioner and Sri Keerthi Teja Kondaveeti, learned Government Pleader attached to the office of learned Additional Advocate General for the respondent Nos.1 to 5.

2. Perused the material on record.

3. Under challenge is the order of preventive detention passed with respect to the detenu namely Nidigunta Aruna. The order has been passed by the District Collector under Section 3(1) and 3 (2) of AP Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (in short the Act, 1986). Order of detention was passed based on 5 criminal cases i.e., on 5 grounds. The matter was sent to the Advisory Board on 09.01.2026 and after the opinion of the Advisory Board confirmation order was passed by the State on 06.02.2026.

4. Learned counsel for the petitioner raised the only submission that after the order of detention dated 08.12.2025, on which date also the detenu was taken into custody, representation was filed on 13.12.2025, which was received by respondent No.1 on 17.12.2025 and the same was rejected on 30.06.2026. The representation was not forwarded to the Advisory Board. The

State also passed the confirmation order without taking note of the representation. He further submits that though the counter has been filed by respondent No.1 as also by respondent No.2, who has rejected the representation later on, on 30.06.2026 but the delay in deciding the representation has not been explained. So, the detenu cannot be detained any longer and her continued detention pursuant to the impugned order of detention is illegal. The detenu deserves to be set at liberty.

5. Learned counsel placed reliance in ***P.Sukanya v. State of Andhra Pradesh***¹ & ***P.Aruna Kumari v. State of Andhra Pradesh***².

6. Sri Keerthi Teja Kondaveeti, learned Government Pleader submits that he can not dispute the aforesaid facts with respect to the filing of the representation and its receipt on 17.12.2025 as also the decision on the representation taken on 30.06.2026, after the order of confirmation. He has however referred to para – 11 of the counter affidavit filed by respondent Nos.1 & 2.

7. Para – 11 of the counter affidavit reads as under:

“It is respectfully submitted that there is a delay in issuing orders on the representation, but it is not willful. As the Government have to follow the due procedure and consultation with Collector & DM,SPS Nellore District to take a decision in the matter. The Collector & DM has furnished his remarks on 28.06.2026 and Government have issued orders on 30.06.2026. The delay in considering the above representation is only for the reason stated above and the same is neither willful nor wanton.”

8. Law is well settled that the representation filed by the detenu against the order of detention requires consideration and that too an expeditious

¹ 2023 SCC OnLine AP 1622

² 2020 SCC OnLine AP 653

consideration. This right of speedy decision flows directly from Article 22(5) of Constitution of India.

9. In the case of **P. Sukanya** (supra) the Co-ordinate Bench of this Court has held as under:

“11. Now the issue is whether the reason asserted for disposal of the representation is valid reason. No additional counter was filed by the respondents for the additional plea taken by the petitioner. The reason for the delay is not properly explained. Except mentioning of various dates as to how the file had been circulated and stating that it was under process, nothing was asserted. According to us, the government has miserably failed to give any acceptable and cogent reasons or sufficient reason or plausible reason. The reason asserted is “sans aucune raison valable”. No valid reason. The fundamental right of the detenu, to have his representation considered by the Government, would be rendered meaningless if the Government does not deal with the matter expeditiously, but at its own will and convenience. The authority, should adopt a procedure towards expeditious consideration of the representation, who is empowered to make an order of detention. No plausible reasons or explanation is forthcoming in the proceedings furnished by the respondents, for the delay in considering the representation.

12. The delay in disposal of the representation of the detenu would vitiate only the continued detention of the detenu, and not the detention order. As the reason of the delay has not been explained satisfactorily hence, further detention would amount to illegal and unconstitutional.”

10. In **P.Aruna** (supra), the Co-ordinate Bench of this Court held as under:

“13. The Constitution of India, therefore, vests a person subjected to preventive detention, with the right to make a representation against the order of detention. To facilitate exercise of this constitutional right, the detaining authority is required to communicate to the detenu the grounds on which the order has been made and also the material documents enabling him to make an effective representation to the two authorities mentioned in the order. Admittedly, it appears that representation was made to the Government on 5.5.2020, as the Government has got the power to revoke the detention order at any time. The Act does not anywhere contemplate that the detenu’s right to make a representation to the Government gets extinguished once he is produced before the Advisory

Board. Further, the order nowhere prescribes any time limit for making a representation to the Government.”

11. As per the counter affidavit of respondent No.1, after receipt of representation on 17.12.2025, the same was forwarded to the Collector, SPSR Nellore District vide Memo No.3073907/SC-II/A3/2025-4, dated 05.03.2026. There after those remarks were received vide letter dated 28.06.2026 and then on 30.06.2026, the order of rejection of representation was passed. The aforesaid shows that on the receipt of representation on 17.12.2025 even the remarks were called after almost three months and those remarks were sent after more than three months from 05.03.2026. There is long gap and the delay in proceedings on the representation. The same remains unexplained.

12. From the facts on record there is no dispute that the order of detention was passed on 08.12.2025. The representation dated 13.12.2025 was received by the State on 17.12.2025. The date of the Advisory Board meeting is 09.01.2026. The said representation was not forwarded to the Advisory Board. As per Section 9 of the Act, 1986, the representation has to be forwarded to the Advisory Board but that was also not complied. The State while passing the order of confirmation also did not take into consideration that representation.

13. The delay in the representation makes the continued detention illegal.

14. We are of the view that the continued detention pursuant to the order of detention deserves to be brought to an end and the detenu deserves to be set free from detention.

15. The writ petition is allowed.

16. The detenu shall be set at liberty immediately, if she is not required in any other case.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

PURUSHOTTAM KUMAR CHINTALAPUDI,J

Dated:09.07.2026
AG

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

WRIT PETITION NO: 36538/2025

Dated:09.07.2026
AG