

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HONOURABLE JUSTICE GADI PRAVEEN KUMAR**

WRIT PETITION NO: 30193 OF 2025

Between:

Gundlapalli Sanjana, D/o. Yadhagiri, W/o. Pagadala Vijaya Kumar, Age 19 years, Occ. Housewife, R/o. H.No.4-81, Jalagam Nagar, Khammam.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary to Government (POLL.) (FAC), General Administration (Spl. (Law & Order) Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Khammam, at Khammam.
3. The Superintendent of Jails, Chanchalguda, Hyderabad.

...RESPONDENTS

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 or Direction preferably Writ of Habeas Corpus directing the Respondent to produce the detinue, Sri. Pagadala Vijay Kumar @ Chanti, S/o. Late Venkateswarlu, Age 35 years, R/o. Road No. 6, Agraharam New Colony, Khammam of Telangana State, now detained at Central Prison, Chanchalguda, Hyderabad before this Hon'ble Court and he may be ordered to be released forthwith/set at liberty by declaring the preventive detention orders vide SB.ID.No.21/S1/PD-KMM/2025 dated 28/06/2025 issued by the Respondent No.2 and consequential confirmation orders passed by the Respondent No. 1 vide G.O. Rt. No. 1030 General Administration (Spl. (Law and Order)) Department dated 01/08/2025 as

illegal, arbitrary, unconstitutional, void and violative of Articles 21 and 22 of the Constitution of India and the same be quash and set free the Petitioners husband namely Sri. Pagadala Vijay Kumar @ Chanti, S/o. Late Venkateswarlu, Age 35 years, R/o. Road No. 6, Agraharam New Colony, Khammam of Telangana State, now detained at Central Prison, Chanchalguda, Hyderabad.

**Counsel for the Petitioner: SRI KOWTURU PAVAN KUMAR, assisted by
SRI SURYA BALU MAHENDRA**

**Counsel for the Respondents: SRI SWAROOP ORILLA, SPL. GP, assisted by
SRI T.RAVI KUMAR, GP FOR HOME**

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR**

W.P.No.30193 of 2025

DATE : 18-06-2026

Between :

Ms.Gundlapalli Sanjana.

...Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary,
General Administration (Spl. Law & Order)
Department, Hyderabad and 02 others

...Respondents

ORDER: (*per Hon'ble Justice Gadi Praveen Kumar*)

Heard Mr. Kowturu Pavan Kumar, learned counsel, assisted by
Mr. Surya Balu Mahendra, learned counsel appearing for the petitioner,
and Mr. Swaroop Orilla, learned Special Government Pleader, assisted by
Mr. T. Ravi Kumar, learned Government Pleader for the State.

2. The present writ petition is filed seeking a direction to produce the
detenu, Mr. Pagadala Vijay Kumar @ Chanti, who is detained in Central
Prison, Chanchalguda, pursuant to the detention order dated 28.06.2025

passed by Respondent No.2 and confirmed by respondent No.1 dated 01.08.2025 categorizing him as a "Goonda" under Section 2(g) of the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders, Scheduled Commodities Offenders, Forest Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders Act, 1986 (for short "Act, 1986"). The said detention order was challenged by the petitioner as illegal and arbitrary.

3. The detaining authority based the detention order on the following four crimes:

- a. Crime No.214 of 2025, dated 11.04.2025, registered under Sections 109(1), 308(5), and 61(b) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS, 2023"), and Section 25(1-B) of the Arms Act, 1959;
- b. Crime No.169 of 2025, dated 24.03.2025, registered under Sections 296, 115(2), 118(1), and 351(2) read with Section 3(5) of the BNS, 2023;
- c. Crime No.151 of 2025, dated 19.03.2025, registered under Sections 296, 115(2), and 351(2) read with Section 3(5) of the BNS, 2023; and

d. Crime No.632 of 2024, dated 03.12.2024, registered under Sections 126(2) and 109 read with Section 3(5) of the BNS, 2023.

4. The case of the petitioner is that merely on the ground that the detenu is alleged to have committed the aforesaid offences, he cannot be categorized as a "Goonda" under clause (g) of Section 2 of Act, 1986. It is contended that there is no material available on record warranting invocation of the provisions of Act 1986, as all the offences alleged against the detenu squarely fall within the ambit of ordinary criminal law and can effectively be dealt by the prosecuting agencies before the competent criminal courts. Therefore, it is contended that preventive detention cannot be used as a substitute for the regular process of investigation, prosecution, and trial.

5. Mr. Kowturu Pavan Kumar, learned counsel for the petitioner, contended that though several criminal cases were referred to in the detention order, the detaining authority has principally relied upon four cases, namely Crime Nos.214 of 2025, 169 of 2025, 151 of 2025 and 632 of 2024. The allegations in the above said crimes, disclose offences punishable under the ordinary criminal law and do not warrant invocation of the extraordinary power of preventive detention.

6. It is further submitted that the detenu has been falsely implicated in the above criminal cases and that the allegations are based on confessional statements allegedly obtained from him. The learned counsel contended that the material placed before the detaining authority does not categorize the detenu as "Goonda" within the meaning of Section 2(g) of the Act.

7. The learned counsel further submits that all the offences relied upon by the detaining authority are matters falling within the realm of "law and order" and do not have any bearing on "public order". The alleged incidents are individual criminal acts which can adequately be dealt with under the provisions of the BNS, 2023 and other penal laws. Therefore, recourse to preventive detention is wholly unwarranted.

8. It is also contended that the detenu has already been granted bail in all the above criminal cases. Once the competent criminal courts have granted bail, the ordinary criminal law machinery is sufficient to regulate the conduct of the detenu and there was no compelling necessity to invoke preventive detention. The detention order, therefore, amounts to substituting preventive detention for ordinary criminal prosecution.

9. The learned counsel for petitioner submitted that the detenu is a bike mechanic by profession and is the sole breadwinner of his family

consisting of his wife and two minor children. His continued detention has caused severe hardship to the family and has deprived them of their means of livelihood. Therefore, the detention order and the consequential confirmation order are liable to be set aside and the detenu is entitled to be released forthwith.

10. Learned counsel for the petitioner submitted that there is no material on record to show that the offences allegedly committed by the alleged detenu had affected the general public or disturbed the even tempo of the society at large. In this regards, he relied on ***Nenavath Bujji and Others v. State of Telangana and Others***¹ wherein the Hon'ble Supreme Court observed that

"33. The crucial issue is whether the activities of the detenu were prejudicial to public order. While the expression "law and order" is wider in scope inasmuch as contravention of law always affects order, "public order" has a narrower ambit, and could be affected by only such contravention, which affects the community or the public at large. Public order is the even tempo of life of the community taking the country as a whole or even a specified locality. The distinction between the areas of "law and order" and "public order" is one of degree and extent of the reach, of the act in question on society. It is the potentiality of the act to disturb the even tempo of life of the

¹ (2024) 17 SCC 294

community which makes it prejudicial to the maintenance of the public order. If a contravention in its effect is confined only to a few individuals directly involved as distinct from a wide spectrum of public, it could raise problem of law and order only. In other words, the true distinction between the areas of law and order and public order lies not merely in the nature or quality of the act, but in the degree and extent of its reach upon society.....

34.....In the case on hand, there is nothing to indicate that any such statements of people, more particularly the women of the locality concerned, were recorded so as to arrive at the subjective satisfaction that the nefarious activities of the detenu created an atmosphere of panic and fear in the minds of the people of the locality concerned.

42.In other words, as observed by this Court in Aameena Begum [Aameena Begum v. State of Telangana, (2023) 9 SCC 587: (2023) 3 SCC (Cri) 754] habituality of committing offence cannot, in isolation, be taken as a basis of any detention order; rather it has to be tested on the matrices of "public order". It is only those cases where such habituality has created disturbance of public order that they could qualify as a ground to order 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".

11. Learned counsel for the petitioner relied on Hon'ble High Court in ***Jahangir Bee vs. State of Telangana***² observed at para 17 that

17. Further, what this Bench has also considered is that the opinion of the Hon'ble Supreme Court in none of the judgments rendered in the recent past, the latest one being Nenavath Bujji (supra) has carved out any exception like gravity of the offence, nature of the statute under the prosecution as initiated; be it Excise Act, be it NDPS Act or a serious offence under the Indian Penal Code or Bharatiya Nyaya Sanhita (BNS).

12. Learned counsel for the petitioner relied on ***Banka Sneha Sheela v. State of Telangana and Others***³ wherein the Hon'ble court held at para 32 that

"it is clear that at the highest, a possible apprehension of breach of law and order can be said to be made out of it is apprehended that the detainee, if set free, will continue to cheat gullible persons. This may be a good ground to appeal against the bail orders granted and/or to cancel bail but certainly cannot provide the springboard to move under a preventive detention statute".

² Judgment dated 07.02.2025 in WP No. 32727 of 2024

³ (2021) 9 Supreme Court Cases 415

13. On the other hand, Mr. Swaroop Oorilla, learned Special Government Pleader contended that considering the detenu's involvement in a series of offences, including attempt to murder, extortion by threatening death or grievous hurt, possession of an illegal firearm, criminal conspiracy, criminal intimidation, wrongful restraint, and repeated commission of offences with organized elements which have had an impact on the general public and disturbed public order in the locality, the respondents-authorities came to the conclusion that the ordinary law is not sufficient to control the prejudicial activities of the detenu. The authorities felt that the detenu was not amenable to the ordinary law and, keeping in view his antecedents, there was every likelihood that he would continue to indulge in similar offences, thereby endangering public order unless prevented from doing so. Consequently, the provisions of Act, 1986 were invoked.

14. It is submitted that the Commissioner of Police, Khammam, upon due consideration of the material placed before him and upon arriving at the requisite subjective satisfaction that the activities of the detenu were prejudicial to the maintenance of public order, exercised powers under Section 3(2) of the Act, 1986 and passed the detention order dated 28.06.2025. The said order was thereafter approved by the Government

and subsequently confirmed under Section 12 of the Act, 1986 after obtaining the opinion of the Advisory Board, which found sufficient cause for the detention of the detenu.

15. Learned Special Government Pleader would contend that the detention order is founded upon cogent and relevant material relating to four recent criminal cases registered against the detenu, namely Crime Nos.214 of 2025, 169 of 2025, 151 of 2025 and 632 of 2024. The records placed before the detaining authority include First Information Reports, statements of witnesses, confessional statements, remand reports, charge sheets, medical records and other investigation material, all of which establish the active involvement of the detenu in the commission of serious offences.

16. The learned Special Government Pleader further submitted that the detenu is not a first-time offender. Apart from the four relied upon cases, he has a long criminal history and was involved in several other criminal cases registered in the years 2021 and 2023. The repeated involvement of the detenu in offences of violence and intimidation clearly demonstrates a continuing course of criminal conduct and establishes that he would continue to commit offences affecting public peace and tranquility.

17. It is vehemently contended that despite registration of multiple criminal cases and initiation of prosecution under the ordinary penal law, the detenu continued to indulge in criminal activities. The ordinary criminal law, therefore, proved ineffective in preventing him from engaging in acts prejudicial to public order. The detaining authority, having regard to the antecedents of the detenu and the nature of the offences committed by him, rightly concluded that there existed a real and imminent possibility of his reverting to similar activities if left at liberty.

18. Learned Special Government Pleader further relied upon the judgment of Hon'ble Supreme Court in **Haradhan Saha v. State of West Bengal**⁴, wherein it was held that

“preventive detention and prosecution can run simultaneously and that the existence of ordinary law does not bar the exercise of preventive detention powers if the authority is satisfied that detention is necessary to prevent future harm.”

19. Further, in the case of **Pebam Ningol Mikoi Devi v. State of Manipur**⁵, the Hon'ble Supreme Court held that

“if the subjective satisfaction of the detaining authority is based on cogent and relevant material, the detention cannot be struck

⁴ (1975) 3 SCC 198

⁵ (2010) 9 SCC 618

down merely because the detenu could have been dealt with under ordinary criminal law."

20. In *State of Telangana v. A. Venkatesh*⁶, the Hon'ble Supreme Court held that

"the detention of a person categorized as a "Goonda" under Act 1 of 1986, observing that multiple bail orders do not prevent the Detaining Authority from invoking preventive detention if his acts have caused public fear and disturbance to public order."

Therefore, it was contended that the Writ Petition is liable to be dismissed.

21. We have given our earnest consideration to the submissions made by either parties and perused the record.

22. The detention order was passed on 28.06.2025 and was thereafter confirmed for a period of twelve months. This writ petition is being considered at a stage when the alleged detenu has already undergone almost the entirety of the detention period contemplated under the impugned order and only a brief period remains before the order exhausts itself by efflux of time.

⁶ 2023 SC 987

23. In the present case, the respondents seek to sustain the detention by referring to the criminal antecedents of the alleged detenu, the four criminal cases relied upon by the detaining authority and the material which formed the basis for recording the subjective satisfaction leading to the impugned detention order.

24. The counter affidavit filed on behalf of the respondents mainly seeks to justify the original order of detention by referring to the criminal antecedents of the detenu and the material considered by the detaining authority. However, beyond reiterating the basis on which the order came to be passed, the respondents have not demonstrated why the continued deprivation of liberty remains necessary at this stage. As the continuance of such detention must show a reasonable nexus with the purpose sought to be achieved.

25. It is relevant to note that the criminal cases relied upon by the detaining authority are being dealt with under the ordinary criminal law. The respondents have not shown that any steps were taken to seek cancellation of bail citing the conduct of the alleged detenu.

26. It is well settled that preventive detention is preventive and not punitive in nature. The legitimacy of such detention rests not upon the

gravity of past conduct, but upon the necessity to prevent future acts prejudicial to the maintenance of public order. Therefore, the continued operation of a detention order must be supported by material disclosing subsisting necessity for such detention.

27. Additionally, the material relied upon by the respondents does not establish that the alleged activities of the detenu had such reach and impact as to affect public order. The distinction between "law and order" and "public order" is one of degree and extent of the effect of the act upon society. While every violation of law may give rise to issues of law and order, only those acts which disturb the every tempo of life of the community or generate a sense of insecurity amongst the public at large can be said to affect public order.

28. Therefore, having regard to the fact that the alleged detenu has already undergone substantial period of detention pursuant to the impugned order, and that no material was brought on record to demonstrate the subsisting necessity for continuation of detention for the remaining small period, we are of the opinion that no useful purpose would be served by permitting the impugned detention order to operate any

further. Therefore, this Court deems it appropriate to set aside the impugned detention order and the consequential confirmation order.

29. Accordingly, the writ petition is allowed by setting aside the impugned detention order dated 28.06.2025. The alleged detenu shall be released forthwith, unless his custody is required in connection with any other case.

Pending miscellaneous applications, if any, shall also stand dismissed. There shall be no order as to costs.

//TRUE COPY//

SD/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary to Government (POLL.) (FAC), General Administration (Spl. (Law and Order) Department, Secretariat, Hyderabad, State of Telangana.
2. The Commissioner of Police, Khammam, at Khammam.
3. The Superintendent of Jails, Chanchalguda, Hyderabad (**By Special Messenger**)
4. One CC to SRI SURYA BALU MAHENDRA, Advocate [OPUC]
5. Two CCs to THE ADVOCATE GENERAL, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

BSR

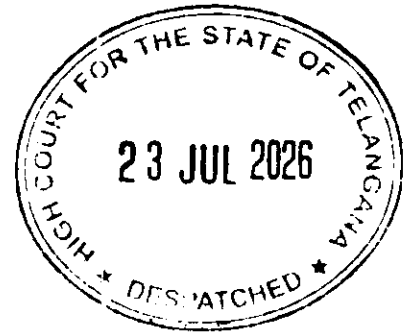
GJP

HIGH COURT

DATED: 18/06/2026

ORDER

WP.No.30193 of 2025



**ALLOWING THE WRIT PETITION,
WITHOUT COSTS**

⑪
MT
22/7/26