

HIGH COURT OF ANDHRA PRADESH

* * * *

WRIT PETITION No.10656 of 2026

Between:
Regulla Ramana

.....PETITIONER

AND
The State of Andhra Pradesh and 3 others

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED : 09.09.2026
DATE OF JUDGMENT UPLOADED : .09.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

ALAPATI GIRIDHAR, J

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
* THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR**

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.....RESPONDENTS

! Counsel for the Petitioner : Sri Kadiyam Neelakanteswara Rao

Counsel for the Respondents : Sri Akula Venkata Sai Jagadeesh,
learned Assistant Government Pleader

< Gist :

> Head Note:

? Cases Referred:

1. W.P.No.21828 of 2025 decided by APHC dated 24.02.2026

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION NO: 10656 OF 2026

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

Heard Sri Kadiyam Neelakanteswara Rao, learned counsel for the petitioner and Sri Akula Venkata Sai Jagadeesh, learned Assistant Government Pleader for the respondents.

2. This petition under Article 226 of Constitution of India has been filed by the petitioner for release of the detenu namely Regulla Karthik and setting aside the order of preventive detention dated 20.11.2025 passed by the Collector & District Magistrate under Section 3(1) & (2) r/w. Section 2(g) of Andhra Pradesh Prevention of Dangerous Activities of Boot-leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986 (in short Act, 1986) as also the order of confirmation dated 19.01.2026.

3. Learned counsel for the petitioner submits that the order of preventive detention has been passed on six grounds i.e., six criminal cases. He submits that out of those six grounds, the crime in ground No.3 does not fall under the provisions of the IPC under Chapter XVI, XVII & XXII and consequently, with respect to that ground No.3 the petitioner cannot be termed as “Goonda” under the Act, 1986. The order

of preventive detention could not be passed under Section 3 of the Act, 1986 taking into consideration ground No.3.

4. He further submits that though the offences under the ground Nos.1,2 & 4 to 6 fall under provisions of the Act, 1986 but the consideration of ground No.3 has vitiated the satisfaction of the detaining authority for taking into consideration the irrelevant ground. He placed reliance in ***M.Hemalatha v. the State of Andhra Pradesh***¹.

5. Learned Government Pleader submits that order can be sustained on ground Nos.1, 2 & 4 to 6. He could not dispute that the criminal case in ground No.3 does not fall under Chapter XVI, XVII & XXII of IPC.

6. We have considered the aforesaid submissions and perused the material on record.

7. Section 2(g) of the Act, 1986 reads as under:

“2(g)"goonda" means a person, who either by himself or as a member of or leader of a gang, habitually commits, or attempts to commit or abets the commission of offences punishable under Chapter or Chapters XVI, XVII or Chapter XXII of the Indian Penal Code.”

8. As per the definition of ‘goonda’ in Section 2(g) the offences must be punishable under Chapters XVI, XVII or XXII of IPC. Undisputedly, the criminal case in ground No.3 does not fall under any of the Chapters XVI, XVII or XXII of IPC, The detenu cannot be called a ‘goonda’ for the

¹ W.P.No.21828 of 2025 APHC dated 24.02.2026

purpose of Section 3 r/w. Section 2(g) of the Act, 1986 to pass an order of preventive Detention on ground No.3.

9. In ***M.Hemalatha*** (supra), the order of preventive detention was passed considering the detenu as “Goonda” within the meaning of Section 2(g) of the Act. One of the grounds taken, challenging the preventive detention order was that the detenu was also involved in an offence under the provisions of AP Excise Act, which could not be considered. A Co-ordinate Bench observed that while passing an order of preventive detention, considering a person as “Goonda” relating to commission of the offences punishable under Indian Penal Code, if the offence committed by the detenu under the A.P.Excise Act, relating to bootlegging activity is also taken into consideration, then it amounts to taking irrelevant material making an order of preventive detention invalid.

10. Para Nos. 7 to 10 in ***M.Hemalatha (supra)*** are reproduced as under:

“7. Admittedly, the detaining authority has passed the order of preventive detention which is impugned in this writ petition while considering the detenu as a ‘Goonda’. Goonda is defined under Section 2(g) of the Act. It is only when a person is found to have committed repeatedly the offences punishable under the Chapters of the Indian Penal Code mentioned in the Section be termed as ‘Goonda’. If a person is found to have committed the offences punishable under the A.P.Excise Act, he will not come within the definition of ‘Goonda’ as defined under Section 2(g) of the Act. If a person is found to have committed the offences punishable under the A.P.Excise Act, he is considered to be a ‘Bootlegger’ under the Act. Law is well settled that

while passing an order of preventive detention considering a person as a 'Goonda' relating to commission of the offences punishable under Indian Penal Code if the offence committed by him under the A.P.Excise Act which relating to bootlegging activity is also taken into consideration, then it amounts to taking irrelevant material also into consideration for passing an order of preventive detention and it makes the order of preventive detention invalid and the impugned order will be vitiated on that ground and the same is liable to be set aside.

8. This Court in W.P.No.19145 of 2023 while relying on the judgment rendered by a Division Bench of this Court in the case of **S.Prasad Reddy v. Collector and District Magistrate, Anantapur** {2005(3) ALT 487} and also in the case of **Thallapuneni Venkateswarlu v. Collector and District Magistrate, Cuddapah** {2004 (5) ALT 250} , wherein it is held that the crime which does not satisfy the definition of 'Goonda', cannot be made basis for passing an order of preventive detention on the ground that the detenu is a Goonda under the Act, held that the order of preventive detention impugned therein is not valid and the same is liable to be set aside and accordingly, has set aside the same as per the order dated 04.10.2023.

9. The Apex Court also in the case of **Khaja Bilala Ahmed v. State of Telangana and others** {(2020) 13 SCC 632} held that when irrelevant material is taken into consideration, the order of preventive detention cannot be sustained. It is clearly held in the said judgment that the satisfaction to be arrived at by the detaining authority must not be based on the irrelevant and invalid grounds.

10. Therefore, in view of the law enunciated in the aforesaid judgments, as the detaining authority, in the instant case also has based his order on irrelevant material by taking into consideration the crimes relating to A.P.Excise Act also for the purpose of treating the detenu as a 'Goonda' for passing an order of preventive detention, the impugned order of preventive detention is not valid under law and it cannot be sustained."

11. The law is well settled that if the order of preventive detention has been passed under the Act, 1986 taking a person as "Goonda" while

considering some other offence(s) committed by that person, for which he does not fall under the provisions Section 2(g) of the Act, 1986, so as to be called 'goonda', the order of preventive detention would be invalid.

12. In this case the offence which has been taken into consideration, under ground No.3, is under NDPS Act. The same is not covered within the definition of "Goonda" under Section 2(g) of the Act, 1986.

13. Applying the settled principle of law and following ***M.Hemalatha (supra)***, the order of preventive detention suffers from consideration of irrelevant material. The order is invalid and deserves to be set aside.

14. The submission of the learned Government Pleader that the preventive detention order can be maintained on the other grounds deserves rejection.

15. The order of preventive detention has been passed under Sections 3(1) and 3(2) r/w. 2(g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986.

16. In **Shiv Parsad Bhatnagar vs. State of M.P and another**², the Hon'ble Apex Court has held that "the single vicious ground is sufficient to vitiate an order of detention."

² (1981) 2 SCC 456

17. Under the Act, 1986, there is no provision like Section 6 of the PITNDPS Act, which specifically provides that the order of preventive detention passed under PITNDPS Act if passed on two or more grounds shall be valid even if it cannot stand on same grounds. The same shall not apply to the present case. A single vicious ground is sufficient to set aside the preventive detention order under the Act, 1986.

18. The writ petition is allowed. The order of detention dated 20.11.2025 and the order of confirmation dated 19.01.2026 are set aside.

19. The detenu shall be set at liberty immediately, if he is not in detention in any other pending case.

No order as to costs.

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

RAVI NATH TILHARI,J

ALAPATI GIRIDHAR,J

Dated: 09.09.2026

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