

HIGH COURT OF ANDHRA PRADESH

* * * *

WRIT PETITION No.35016 of 2025

Between:
Devalla Divya

.....PETITIONER

AND
The State of Andhra Pradesh and 3 others

.....RESPONDENTS

DATE OF JUDGMENT RESERVED : 15.07.2026

DATE OF JUDGMENT PRONOUNCED : .09.2026

DATE OF JUDGMENT UPLOADED : .09.2026

SUBMITTED FOR APPROVAL:

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI**

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

PURUSHOTTAM KUMAR CHINTALAPUDI, J

APHC010680802025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
* THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI**

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Between:
Devalla Divya

.....PETITIONER

AND
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.....RESPONDENTS

! Counsel for the Petitioner : Sri Ramalakshmana Reddy

Counsel for the Respondents : Sri Kirthi Teja Kondaveeti

< Gist :

> Head Note:

? Cases Referred:

1. HCP.No.484 of 2004 decided by High Court of Madras on 14.09.2004
2. W.P.No.25746 of 2017 High Court of AP on 31.01.2018
3. (2024) 17 SCC 294
4. (1978) 1 SCC 405
5. (2012) 2 SCC 72
6. W.P.No.33545 of 2025 APHC decided on 22.06.2026
7. (1981) 2 SCC 456

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

WRIT PETITION NO: 35016 OF 2025

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

Heard Sri S. Rama Lakshman Reddy, learned counsel for the petitioner and Sri Keerthi Teja Kondaveeti, learned Government Pleader for the respondents.

I. FACTS:

2. The petitioner has filed this writ petition for writ of Habeas Corpus under Article 226 of Constitution of India also challenging the order of preventive detention of the detenu namely Devalla Jayaprakash @ Jaya and to set aside the order of preventive detention passed by the Collector & District Magistrate, SPSR Nellore District (in short 'the detaining authority') vide Rc.C1/(Magl)/116/2025 dated 02.12.2025 passed under Section 3(1) and 3(2) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 on the ground that the detenu is a 'Goonda' within the meaning of Section 2(g) of the said Act. The same was confirmed vide G.O.Rt.No.202 General Administration (SC-I) Department dated 02.02.2026.

3. The preventive detention order was passed treating the detenu as 'Goonda' under Section 2(g) of the Act, 1986 on the following three grounds i.e., three criminal cases:

i) Chillakur Police Station: Cr.No.137/2024, U/s.118(1) r/w 3(5) BNS, dated 13.08.2024.

ii) Gudur Rural Police Station: Cr.No.138/2024, U/s.333, 109 r/w 3(5) BNS, dated 13.08.2024.

iii) Vedayapalem Police Station: Cr.No.149/2025, U/s. 103(1), 58, 61(2) (A) r/w. 3(5) BNS, dated 14.03.2025.

4. In the **first case** being Crime No.137 of 2024 under Section U/s.118(1) r/w 3(5) BNS, dated 13.08.2024 of Chillakur Police Station, the detenu was served with 41-A notice and the charge sheet was filed. In the **second case** being Crime No.138 of 2024 under Section 333, 109 r/w 3(5) BNS, dated 13.08.2024 of Gudur Rural Police Station, in which the detenu is the first accused (A-1), he was released on bail on 23.01.2025 by VII Additional Sessions Court, Gudur. In the **third case** being Crime No.149 of 2025 under Section 103(1), 58, 61(2) (A) r/w. 3(5) BNS, dated 14.03.2025 of Vedayapalem Police Station, the detenu is Accused No.7. He was granted bail by IV Additional District & Sessions Judge, Nellore on 28.07.2025.

5. The detaining authority on its satisfaction has recorded that keeping in view of the public interest and to prevent the detenu from indulging in dangerous, illegal activities prejudicial to the maintenance of public order, it was necessary to pass the order of preventive detention. It also recorded that the activities of the detenu were endangering to maintenance of public order. The order of preventive detention was approved by the State. The advisory board submitted its report in favour of the order of preventive detention which was confirmed by the confirming authority/State.

II. Submissions of the learned counsel for the petitioner:

6. Learned counsel for the petitioner submitted that in ground Nos.2 & 3, the detenu was granted bail on 23.01.2025 & 28.08.2025 respectively. The detaining authority though took note of the fact that the bail was granted and the detenu was released on bail but it did not consider that the grant of bail was subject to the conditions imposed. It did not consider those conditions or that in view of the bail conditions still there was the necessity of passing of the order of preventive detention to detain the detenu. The present is not a case of disturbance of public order but may be a simple case of maintenance of law and order and there was no need to pass the order of preventive detention under the Preventive Detention laws.

7. He further submitted that so far as the first two criminal cases are concerned i.e., Crime No.137 & 138 of 2024, those cases did not relate to the territorial jurisdiction of the District Collector, Nellore but related to Chillakur and Gudur Rural falling outside the territorial jurisdiction of the Nellore District. Consequently, those two criminal cases could not be taken into consideration by the detaining authority. The satisfaction recorded by the detaining authority is vitiated for consideration of irrelevant material. It is not a valid satisfaction to pass the order of preventive detention.

8. Learned counsel for the petitioner placed reliance in ***Suman v. The State of Tamil Nadu***¹, ***Syed Mohiyuddin v. The State of Andhra Pradesh***² and ***Nenavath Bujji v. The State of Telangana***³.

III. Submissions of learned Government Pleader:

9. Learned Government Pleader submitted that the detenu has rightly been termed as 'Goonda'. Criminal cases under the three grounds fall under the Chapters XVI, XVII and XXII of IPC, equivalent to Chapter Nos.4, 6 & 17 of Bharatiya Nyaya Sanhita, 2023 (in short 'BNS'). So, the order of preventive detention based on the three grounds could be passed. He submitted that so far as the first two grounds are concerned

¹ HCP.No.484 of 2004 decided by High Court of Madras on 14.09.2004

² WP.No.25746 of 2017 High Court of AP on 31.01.2018

³ (2024) 17 SCC 294

though criminal cases fall outside the territorial jurisdiction of the detaining authority – the District Collector, Nellore, as those were registered in the police stations outside his territorial jurisdiction, but still those criminal cases could be taken into consideration and made a ground for preventive detention, along with the 3rd criminal case, which was within the territorial jurisdiction of the detaining authority. He submitted that there is no provision under the Act, 1986 restricting the detaining authority from taking into consideration those criminal cases, registered outside the territorial jurisdiction of the detaining authority. Those cases are also integral part of the detenu's continuing criminal conduct and are relevant for assessing, if his activities were prejudicial for the maintenance of public order.

10. Learned Government Pleader submitted that the bail orders were taken into consideration by the detaining authority. So, it cannot be said that the detaining authority did not consider the bail conditions. The subjective satisfaction has been recorded in the order of preventive detention based on the material before the detaining authority. He submitted that in the nature of the offences, it cannot be said that it is a simple case of maintenance of law and order and not of the public order.

11. Learned Government Pleader submitted that the respondent No.2 has filed an additional affidavit, stating that out of three criminal cases

under three grounds, the first two cases were registered at police stations which were outside the territorial jurisdiction of the detaining authority but, the distance between the vedayapalem police station and other two police stations is around 30 km. The activities of the detenu outside the territorial jurisdiction of the detaining authority had an impact on the public order within the local limits of the jurisdiction of the detaining authority. The detaining authority upon verification of the material placed before it, came to a subjective satisfaction that the activities of the detenu posed a serious threat to the public order within his local limits, and in order to prevent the detenu from committing such activities, order of preventive detention was required to be passed and in this regard there is no illegality.

IV. Consideration:

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

13. The order of preventive detention has been passed on three grounds i.e., three criminal cases. So far as the first two grounds are concerned i.e., Crime Nos.137 & 138 of 2024, there is no dispute that those cases were registered in the different police stations, both falling outside the territorial jurisdiction of the detaining authority i.e., District Collector, SPSR Nellore District. As per the additional affidavit of

respondent No.2, those police stations i.e., Gudur Rural and Chillakur Police station, were previously in the local limits of respondent No.2 – detaining authority, but after the bifurcation and restructuring of the SPSR Nellore District Police unit and Tirupati District Police Unit those two police stations became a part of Tirupati District vide G.O.Ms.No.52, Home (Services-III) Department dated 11.04.2022. Later on, those two police stations again came to be notified to be the part of SPSR Nellore District falling within the local limits of the detaining authority vide G.O.Ms.No.15, Home (services –III) Department, dated 21.01.2026.

14. In view of the pleadings, it is not in dispute that during the period of alleged commission of offences and registration of those two criminal cases in ground Nos.1 & 2, the police stations i.e., Gudur and Chillakur were not falling within the territorial jurisdiction of the detaining authority at Nellore.

A. Criminal cases falling outside the territorial jurisdiction of the detaining Authority:

15. The question is as to whether those two criminal cases in ground Nos.1 & 2 could be taken into consideration by the detaining authority of different district for passing the order of preventive detention? In other words, if those two criminal cases could be made the basis or grounds for passing of the impugned preventive detention order.

16. Section 3 of the Act, 1986 reads as under:

3. Power to make order 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."

17. Sub-Section (1) of Section 3 provides that 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. Sub-section (2) of Section 3 provides that 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 sub-section(1).

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 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.

19. In the present case in addition to those two criminal cases under ground Nos.1 & 2, there is also one more criminal case which falls within the territorial jurisdiction of the detaining authority. So, while passing the order of preventive detention, the District Collector- the detaining

authority was justified in taking into consideration, those two criminal cases, as well, which were pending against the detenu, might be outside the territorial jurisdiction of the detaining authority.

20. In ***Suman*** (supra), the Madras High Court held that it cannot be said that all the incidents on the basis of which the order is passed must have occurred within the territorial jurisdiction of the concerned detaining authority. However, it cannot be denied that there should be some territorial nexus, and even in such cases, there must be apprehension that such person can act in any manner prejudicial to the maintenance of public order in the concerned district. Para Nos. 3 to 8 in ***Sumon*** (supra) reads as under:

“3. In the aforesaid background, learned counsel for the petitioner has contended as follows :-

(1) As per the provisions contained in Section 3(2) of the Act, the District Magistrate and the Collector of Cuddalore District is only authorised to pass orders of preventive detention in respect of the incidents which occur within such district and in the present case, the first two incidents relied upon by the Collector had occurred in a different district, and therefore, the Collector did not have the territorial jurisdiction to pass the order of preventive detention.

(2) The incidents relied upon by the District Collector are solitary incidents and that too after a long gap and the detenu could not have been considered as a Goonda as defined under the Act, and therefore, the order of detention is vitiated by non-application of mind.

(3) Three other accused persons involved in the ground were also detained under preventive detention by the very same Collector by separate orders passed on the very same day, and as per the advice of the Board, two of the persons had been released, and since the allegation against those two other persons were either equally serious or more serious and those other persons past record was even worse as that of the present detenu and yet they were released, the State Government should have considered those aspects at the time of confirmation of the detention order and without application of mind, the State Government has mechanically confirmed the order.

4. Learned counsel appearing for the State has supported the order of detention and contended that the contentions raised by the petitioner are not tenable.

5. In connection with the first contention, the learned counsel for the petitioner has submitted that under section 3(1) power is conferred on the State Government to pass the order of preventive detention and relied upon Section 3(2) of the Act, which is being relevant, is extracted hereunder :-

(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 State 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.

6. Learned counsel by relying upon Section 3(2) has further submitted that under Section 3(2), such power can also be conferred on a District Magistrate or a Commissioner of Police relating to any area within the local limits of the jurisdiction of the District Magistrate or the Commissioner of Police, and therefore, the District Magistrate or the Commissioner of Police authorised under Section 3(2) cannot pass any order of preventive detention relating to a person, who had committed the crimes relied upon by such authority beyond the territorial jurisdiction of such authority.

7. On a careful consideration of the aforesaid submission, we do not think that the contention raised by the learned counsel for the petitioner can be accepted. **While we accept the contention that there should be territorial nexus in the matter relating to preventive detention passed by the District Magistrate or the Commissioner of Police of a particular district or area concerned, it cannot be said all the incidents on the basis of which the order is passed must have occurred within the territorial jurisdiction** of the concerned detaining authority. Of course, it cannot be denied that there should be some territorial nexus, but such nexus cannot be confined to the narrow limits suggested by the learned counsel for the petitioner.

To illustrate the point, supposing the detenu is a resident of a different district and has committed all the alleged crimes in the districts other than the one under the territorial jurisdiction of the concerned authority, obviously, the Collector of such district is not authorised to pass an order of preventive detention, because none of the cause of action arose within the jurisdiction of such Collector. On the other hand, however, if such a person, who is a resident of some other district and has committed crimes in other districts, comes within the territorial jurisdiction of a particular jurisdiction of a district Collector, such Collector, if he is satisfied on the basis of the incidents in respect of other districts, can pass an order of preventive detention. Similarly, if the ground case has occurred within the jurisdiction of a particular district, as in this case, even though adverse incidents had occurred beyond the jurisdiction, the Collector is not powerless to pass an order of preventive detention. What is required is that there should be some reasonable nexus with the territorial jurisdiction of the concerned authority and depending upon the facts and circumstances of a particular case, the order of preventive detention can be passed.

8. It is to be noticed that as per Section 3(1), an order of preventive detention can be passed with a view to prevent him from acting in any manner prejudicial to the maintenance of public order. It is obvious that so far as the State is concerned, such order is with a view to prevent such a person from acting in any manner without prejudicial to the maintenance of public order

within the entire State, whereas if such power is exercised under Section 3(2) by the District Collector or the Commissioner of Police, such order must be with a view to prevent the person from acting in any manner without prejudicial to the maintenance of public order within the territory of such Collector or the Commissioner. **Therefore, to this incident, there should be some nexus.** Such nexus can arise if the person has committed crime/crimes within the area concerned or if such person has committed crimes outside the area, but has come within the concerned area, **because even in such a case, there may be apprehension that such person can act in any manner prejudicial to the maintenance of public order in the concerned district.** Judged against the aforesaid principle, we are unable to accept the contention raised by the petitioner.”

21. In ***Nenavath Bujji*** (supra) upon which learned counsel for the petitioner placed reliance, the detaining authority, out of four cases stated to have taken into consideration only two FIRs registered for the offence said to have been committed within its territorial jurisdiction. The detaining authority had stated clearly that he could not have made the other two FIRs as the basis for arriving at the subjective satisfaction. Based on the aforesaid, learned counsel for the petitioner, tried to submit that only those offences which are committed within the territorial jurisdiction of the detaining authority could be taken into consideration and that follows from ***Nenavath Bujji*** (supra). In his submission the FIR registered in ground Nos.1 & 2, not within the territorial jurisdiction of the detaining authority therefore cannot be looked into by the detaining authority.

22. We consider it appropriate to refer to para Nos. 37 to 41 of ***Nenavath Bujji*** (supra) which read as under:

37. We take notice of the fact that in the case on hand, the detaining authority has laid much stress on the fact that in the year 2023 in quick succession four FIRs came to be registered against the appellant for the offence of theft, robbery, etc. However, the detaining authority took into consideration only two FIRs registered for the offences said to have been committed within his territorial jurisdiction. The detaining authority in its order of detention has clearly stated that he has taken into consideration only the two FIRs registered for the alleged offence committed within his territorial jurisdiction. **The detaining authority in clear terms has stated that he could not have made the other two FIRs referred to in the order of detention as the basis for arriving at the subjective satisfaction that the activities of the appellant detenu are prejudicial to the maintenance of the public order. However, after saying so, the detaining authority has in so many words stated that the other two FIRs have been considered to look into the criminal history of the appellant detenu.**

38. We are of the view that in the aforesaid context, the detaining authority is not correct and he could be said to have taken into consideration something extraneous.

39. In *Ameena Begum v. State of Telangana* [*Ameena Begum v. State of Telangana*, (2023) 9 SCC 587 : (2023) 3 SCC (Cri) 754] , a two-Judge Bench of this Court was confronted with almost an identical situation with which we are dealing with. In *Ameena Begum* [*Ameena Begum v. State of Telangana*, (2023) 9 SCC 587 : (2023) 3 SCC (Cri) 754] this Court while considering whether there was proper application of mind to all the relevant circumstances or whether consideration of extraneous factors had vitiated the order of detention, observed thus: (SCC pp. 621-22, paras 50-53)

“50. Considering past criminal history, which is proximate, by itself would not render an order illegal. The Commissioner in the detention order made pointed reference to the detenu being a habitual offender by listing 10 (ten) criminal proceedings in which the detenu was involved during the years 2019-2020, consequent to which the detenu was preventively detained under the Act vide order of detention dated 4-3-2021, since quashed by the High Court by its order

dated 16-8-2021 [Hakeem Khan v. State of Telangana, 2021 SCC OnLine TS 3663] . It is then stated therein that the detenu had committed 9 (nine) offences in the years 2022-2023, and these offences are again listed out in detail. However, the Commissioner states that the present order of detention is based only on 5 (five) out of these 9 (nine) crimes, which are alleged to show that the detenu's activities are 'prejudicial to the maintenance of public order, apart from disturbing peace and tranquillity in the area'.

51. Interestingly, even in Para 9-E of his counter-affidavit, the Commissioner has extracted a portion of the detention order which we have set out in para 4. The reiteration of considering past criminal history of the detenu is not without its effect, as we shall presently discuss.

52. In Khudiram Das [Khudiram Das v. State of W.B., (1975) 2 SCC 81 : 1975 SCC (Cri) 435] , while examining the "history sheet" of the detenu, this Court had, in express terms, clarified that a generalisation could not be made that the detenu was in the habit of committing those offences. Merely because the detenu was charged for multiple offences, it could not be said that he was in the habit of committing such offences. Further, habituality of committing offences cannot, in isolation, be taken as a basis of any detention order; rather it has to be tested on the metrics of "public order", as discussed above. Therefore, cases where such habituality has created any "public disorder" could qualify as a ground to order detention.

53. Although the Commissioner sought to project that he ordered detention based on the said 5 (five) FIRs, indication of the past offences allegedly committed by the detenu in the detention order having influenced his thought process is clear. With the quashing of the order of detention dated 4-3-2021 by the High Court and such direction having attained finality, it defies logic why the Commissioner embarked on an elaborate narration of past offences, which are not relevant to the grounds of the present order of detention. This is exactly what this Court in Khaja Bilal Ahmed [Khaja Bilal Ahmed v. State of Telangana, (2020) 13 SCC 632 : (2020) 4 SCC (Cri) 629] deprecated. Also, as noted above, this Court in Shibban Lal Saksena [Shibban Lal Saksena v. State of U.P., (1953) 2 SCC 617] held that such an order would be a bad order, the reason being that it could not be said in what manner and to what extent the valid and invalid grounds operated

on the mind of the authority concerned and contributed to his subjective satisfaction forming the basis of the order.”

(emphasis supplied)

40. *Ameena Begum* [*Ameena Begum v. State of Telangana*, (2023) 9 SCC 587 : (2023) 3 SCC (Cri) 754] has referred to and relied upon the decision of this Court in *Khaja Bilal Ahmed v. State of Telangana* [*Khaja Bilal Ahmed v. State of Telangana*, (2020) 13 SCC 632 : (2020) 4 SCC (Cri) 629] . *Khaja Bilal* [*Khaja Bilal Ahmed v. State of Telangana*, (2020) 13 SCC 632 : (2020) 4 SCC (Cri) 629] has been authored by one of us (Hon'ble Dr D.Y. Chandrachud, C.J.). The Court observed thus: (*Khaja Bilal case* [*Khaja Bilal Ahmed v. State of Telangana*, (2020) 13 SCC 632 : (2020) 4 SCC (Cri) 629] , SCC pp. 645-46, para 23)

“23. In the present case, the order of detention states that the fourteen cases were referred to demonstrate the “antecedent criminal history and conduct of the appellant”. The order of detention records that a “rowdy sheet” is being maintained at PS Rain Bazar of Hyderabad City and the appellant “could not mend his criminal way of life” and continued to indulge in similar offences after being released on bail. In the counter-affidavit filed before the High Court, the detaining authority recorded that these cases were “referred by way of his criminal background ... (and) are not relied upon”. The detaining authority stated that the cases which were registered against the appellant between 2009 and 2016 “are not at all considered for passing the detention order” and were “referred by way of his criminal background only”. This averment is plainly contradictory. The order of detention does, as a matter of fact, refer to the criminal cases which were instituted between 2007 and 2016. In order to overcome the objection that these cases are stale and do not provide a live link with the order of detention, it was contended that they were not relied on but were referred to only to indicate the antecedent background of the detenu. *If the pending cases were not considered for passing the order of detention, it defies logic as to why they were referred to in the first place in the order of detention. The purpose of the Telangana Offenders Act, 1986 is to prevent any person from acting in a manner prejudicial to the maintenance of public order. For this purpose, Section 3 prescribes that the detaining authority must be satisfied that the person to be detained is likely to indulge in illegal activities in the future and act in a manner prejudicial to the maintenance of public order. The satisfaction to*

be arrived at by the detaining authority must not be based on irrelevant or invalid grounds. It must be arrived at on the basis of relevant material; material which is not stale and has a live link with the satisfaction of the detaining authority. The order of detention may refer to the previous criminal antecedents [Ed.: The word between two asterisks has been emphasised in original as well.] only [Ed.: The word between two asterisks has been emphasised in original as well.] if they have a direct nexus or link with the immediate need to detain an individual. If the previous criminal activities of the appellant could indicate his tendency or inclination to act in a manner prejudicial to the maintenance of public order, then it may have a bearing on the subjective satisfaction of the detaining authority. However, in the absence of a clear indication of a causal connection, a mere reference to the pending criminal cases cannot account for the requirements of Section 3. It is not open to the detaining authority to simply refer to stale incidents and hold them as the basis of an order of detention. Such stale material will have no bearing on the probability of the detenu engaging in prejudicial activities in the future."

(emphasis supplied)

41. *Ameena Begum* [*Ameena Begum v. State of Telangana*, (2023) 9 SCC 587 : (2023) 3 SCC (Cri) 754] has also been referred to in para 53 of the judgment to the decision of this Court in *Shibban Lal Saksena v. State of U.P.* [*Shibban Lal Saksena v. State of U.P.*, (1953) 2 SCC 617] , wherein B.K. Mukherjea, J. speaking for the Bench observed as under: (*Shibban Lal Saksena case* [*Shibban Lal Saksena v. State of U.P.*, (1953) 2 SCC 617] , SCC pp. 620-21, para 8)

"8. The first contention raised by the learned counsel raises, however, a somewhat important point which requires careful consideration. It has been repeatedly held by this Court that the power to issue a detention order under Section 3 of the Preventive Detention Act depends entirely upon the satisfaction of the appropriate authority specified in that section. The sufficiency of the grounds upon which such satisfaction purports to be based, provided they have a rational probative value and are not extraneous to the scope or purpose of the legislative provision cannot be challenged in a court of law, except on the ground of mala fides [State of Bombay v. Atma Ram Shridhar Vaidya, 1951 SCC 43] . A court of law is not even competent to enquire into the truth or otherwise of the facts which are mentioned as grounds of detention in the communication to the

detenue under Section 7 of the Act. What has happened, however, in this case is somewhat peculiar. The Government itself in its communication dated 13-3-1953, has plainly admitted that one of the grounds upon which the original order of detention was passed is unsubstantial or non-existent and cannot be made a ground of detention. The question is, whether in such circumstances the original order made under Section 3(1)(a) of the Act can be allowed to stand. The answer, in our opinion, can only be in the negative. The detaining authority gave here two grounds for detaining the petitioner. We can neither decide whether these grounds are good or bad, nor can we attempt to assess in what manner and to what extent each of these grounds operated on the mind of the appropriate authority and contributed to the creation of the satisfaction on the basis of which the detention order was made. To say that the other ground, which still remains, is quite sufficient to sustain the order, would be to substitute an objective judicial test for the subjective decision of the executive authority which is against the legislative policy underlying the statute. In such cases, we think, the position would be the same as if one of these two grounds was irrelevant for the purpose of the Act or was wholly illusory and this would vitiate the detention order as a whole. This principle, which was recognised by the Federal Court in Keshav Talpade v. King Emperor [Keshav Talpade v. King Emperor, 1943 SCC OnLine FC 13 : (1943) 5 FCR 88] seems to us to be quite sound and applicable to the facts of this case.”

(emphasis supplied)”

23. We are of the view that as far the aforesaid judgment is concerned, the detaining authority mentioned that it had taken into consideration only two FIRs registered for the offences said to have been committed within its territorial jurisdiction, only as a fact, and the other two FIRs referred to in the order of detention were not taken in consideration for arriving at the subjective satisfaction. The Hon’ble Apex Court observed that, that was the contradictory stand taken in the order of preventive detention by the detaining authority. The Hon’ble Apex Court held that in

fact those two FIRs which were outside the territorial jurisdiction of the detaining authority were taken into consideration. The Hon'ble Apex Court held that there are two propositions of law, discernible from the judgments referred. **If at all the detaining authority wanted to take into consideration the two FIRs registered with the police station not falling within his territorial jurisdiction then he should have recorded the subjective satisfaction that the incidence of the two FIRs created "public disorder".**

24. Para-42 of *Nenavath Bujji* (supra) reads as under:

"42. Thus, from the aforesaid, **two propositions of law are discernible.** First, in the case on hand if the detaining authority thought it fit to eschew from its consideration the two FIRs registered outside his territorial jurisdiction then he could not have made such FIRs as the basis to arrive at the subjective satisfaction that the appellant detenu is a history-sheeter. **Secondly, if at all the detaining authority wanted to take into consideration the two FIRs registered with the police station not falling within his territorial jurisdiction then he should have recorded the subjective satisfaction that the incidence of the two FIRs created "public disorder".** In other words, as observed by this Court in *Ameena Begum* [*Ameena 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."**

25. The further question therefore is, whether the satisfaction has been recorded by the detaining authority, with respect to those two criminal cases pending and falling outside the territorial jurisdiction?

26. A perusal of the preventive detention order does not show that any satisfaction with respect to the activities of the detenu falling outside the territorial limits of the detaining authority, in relation to those two criminal cases, has been record that, due to those activities though outside the territorial jurisdiction of the detaining authority, under the circumstances prevailing in the area within the territorial jurisdiction of the detaining authority, had a prejudicial effect to the maintenance of the public order in the territorial jurisdiction of the detaining authority.

27. We do not find any such circumstance in the order of preventive detention having been discussed. There is no consideration as to how those activities of the detenu not within the territorial jurisdiction of the detaining authority, were prejudicial to the maintenance of the public order in the area falling within the local limits of the detaining authority. Mere general observation in the order that the acts of the detenu are prejudicial to the maintenance of the public order or adversely effects the public order would not be sufficient. "Prejudicial to the maintenance of public order" or "Adversely effecting the public order", must have a connection with the activities committed outside the territorial jurisdiction of the detaining authority. Any adverse effect on the public order within the territorial jurisdiction of the detaining authority must be shown. The detaining authority must have been satisfied on that aspect. In the

absence of any finding recorded on such satisfaction, the order of preventive detention cannot be sustained based on the two criminal cases, for the area falling outside the territorial jurisdiction of the detaining authority.

28. Learned Government Pleader tried to justify the preventive detention order submitting that the activities of detenu in ground Nos.1 & 2 caused serious threat to the public order within the local limits of respondent No.2, (vide para-5 of the additional affidavit of respondent No.2). However, in our view such a satisfaction is to be recorded by the detaining authority. It must be his satisfaction and recorded in the order itself. Legality or otherwise of the order has to be judged on the grounds as in the order. In ***Mohinder Singh Gill v. Chief Election Commissioner***⁴ the Hon'ble Apex Court held that the reasons cannot be supplied in support of the order by filing the counter affidavit or the additional affidavit. In ***Syed Mohiyuddin*** (supra), it was held that the order of public authority must be only supported by the reasons contained in the order and not on the reasons supplemented by way of subsequent pleadings placing reliance in the case of ***Commissioner of Police, Bombay v. Gordhandas Bhanji*** {AIR 1952 SC 16} as also in

⁴ (1978) 1 SCC 405

Mohinder Singh Gill v. Chief Election Commissioner (supra). Para – 5 of ***Syed Mohiyuddin*** (supra) reads as under:

5. In ***Commissioner of Police, Bombay v. Gordhandas Bhanji*** {AIR 1952 SC 16} , the Supreme Court held that the order of a public authority must be only supported by the reasons contained therein and not on the reasons supplemented by way of subsequent pleadings. In this context, the following part of the said judgment is relevant.

“Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.”

This view was reiterated by the Supreme Court in ***Mohinder Singh Gill v. Chief Election Commissioner*** {(1978) 1 SCC 405}. While the aforementioned two judgments were rendered while dealing with the ordinary legal rights of citizens, the ratio laid down therein applies with more vigour in a matter concerning the personal liberty of a citizen.

29. The subjective satisfaction with respect to ground Nos.1 & 2 does not find mention in the order of preventive detention. It cannot be supplied by way of an affidavit.

B. Non-consideration of bail orders:

30. The bail orders were also not considered. The law is well settled with respect of the consideration of the bail orders and the conditions of

the bail that those are relevant material and must be considered to arrive at subjective satisfaction.

31. In ***Rushikesh Tanaji Bhoite v. State of Maharashtra***⁵ the Hon'ble Apex Court held that the order of detention passed without considering the bail orders i.e., consideration ignoring the material/relevant material could not be sustained. Para Nos.8 to 12 in *Rushikesh Tanaji Bhoite* (supra) read as under:

“8. It would be, thus, seen that the order releasing the detenu on bail in the crime registered on 14-8-2010 and the order relaxing the bail condition were passed by the Judicial Magistrate, First Class, Dharangaon much before the issuance of the detention order dated 10-1-2011. However, the detention order or the grounds supplied to the detenu do not show that the detaining authority was aware of the bail order granted in favour of the detenu on 15-8-2010.

9. In a case where the detenu is released on bail and is enjoying his freedom under the order of the court at the time of passing the order of detention, then such order of bail, in our opinion, must be placed before the detaining authority to enable him to reach at the proper satisfaction.

10. In the present case, since the order of bail dated 15-8-2010 was neither placed before the detaining authority at the time of passing the order of detention nor the detaining authority was aware of the order of bail, in our view, the detention order is rendered invalid. We cannot attempt to assess in what manner and to what extent consideration of the order granting bail to the detenu would have effected the satisfaction of the detaining authority but suffice it to say that non-placing and non-consideration of the material as vital as the bail order has vitiated the subjective decision of the detaining authority.

⁵ (2012) 2 SCC 72

11. A three-Judge Bench of this Court in *Rekha v. State of T.N.* [(2011) 5 SCC 244 : (2011) 2 SCC (Cri) 596] decided recently held as under: (SCC p. 254, para 25)

“25. In this connection, it may be noted that there is nothing on the record to indicate whether the detaining authority was aware of the fact that the bail application of the accused was pending on the date when the detention order was passed on 8-4-2010. On the other hand, in Para 4 of the grounds of detention it is mentioned that ‘Thiru. Ramakrishnan is in remand in Crime No. 132 of 2010 and he has not moved any bail application so far’. Thus, the detaining authority was not even aware whether a bail application of the accused was pending when he passed the detention order, rather the detaining authority passed the detention order under the impression that no bail application of the accused was pending but in similar cases bail had been granted by the courts. We have already stated above that no details of the alleged similar cases has been given. Hence, the detention order in question cannot be sustained.”

12. In *Rekha* [(2011) 5 SCC 244 : (2011) 2 SCC (Cri) 596] , the detention order was held to be bad as the detaining authority was not aware of the fact that the bail application of the detenu was pending on the date when the detention order was passed. In the present case, the detenu was already released on bail but the detaining authority was not aware of the fact of grant of bail to the detenu.”

32. In *Buddiga Dhana Lakshmi v. State of Andhra Pradesh*⁶, on consideration of various pronouncements this Court held that the bail order and the conditions of the bail are relevant material to be considered to arrive at the subjective satisfaction if the order of detention is yet to be passed. There was no consideration of the bail orders in the order of detention. The impugned order of detention was set aside on

⁶ W.P.No.33545 of 2025 APHC decided on 22.06.2026

that ground. Para Nos.14 to 16 in **Buddiga Dhana Lakshmi** (supra) read as under:

“14. In **Ponnada Geetha (supra)**, a Coordinate Bench of this Court has held that when the detenu was already released on bail in a crime and when it was made basis for passing the order of preventive detention and when such order of bail was not placed before the detention authority, it vitiates the order of preventive detention. Paragraph Nos.(9) to (12) of **Ponnada Geetha (supra)** read as under:

“9. However, as per the settled law, the very fact that the order of bail granted to the detenu in Crime No.219 of 2024 of Gopalapatnam Police Station for the offence under NDPS Act, was not placed before the detaining authority, while passing the impugned order of detention, by itself, is sufficient to hold that it vitiates the impugned order of detention. The legal position in this regard is fairly well settled.

10. *The Division Bench of the common High Court for the State of Telangana and the State of Andhra Pradesh had an occasion to elaborately deal with the said legal position in the case of **Vasanthu Sumalatha v. State of Andhra Pradesh**(2016) 1 ALT 738 (DB). At paragraph 44 of the said judgment, it is held as follows:*

“44. When a person is enlarged on bail by a competent criminal court, great caution should be exercised in scrutinizing the validity of an order of preventive detention, which is based on the very same charge which is to be tried by the criminal court. (Vijay Narain Singh v. State of Bihar [(1984) 3 SCC 14]; Jotha Viswanadh v. Chief Secretary, Govt. of A.P. [Judgment in W.P.No.10018 of 2012, dated 29.06.2012 (APHC) (DB)]. Where the detenu is released on bail, and is enjoying his freedom under the order of the court, the order of bail must be placed before the detaining authority, when the order of detention is passed, to enable him to reach a proper satisfaction. (Rushikesh Tanaji Bhoite v. State of Maharashtra [(2012) 2 SCC 72]. If the detaining authority was unaware of the order of bail, the detention order is rendered invalid as

the Court cannot attempt to assess in what manner, and to what extent, consideration of the order granting bail to the detenu would have effected the satisfaction of the detaining authority in passing the order of preventive detention (Rushikesh Tanaji Bhoite (42 supra); Rekha (5 supra); Jotha Viswanadh (44 supra)).”

11. *At paragraph 42 of the said judgment, it is also held by the Division Bench of the common High Court that it is incumbent that all vital materials are placed before the detaining authority to enable him to arrive at the subjective satisfaction as to the necessity for passing an order of detention, as decided in **M. Ahamedkutty v. Union of India ((1990) 2 SCC 1** and **State of U.P. v. Kamal Kishore Saini(1988 (1) SCC 287)**. Therefore, it is held that the bail order is a vital material for consideration and if it is not considered, the satisfaction of the detaining authority would be impaired.*

12. *Thus, it is obvious from the analogy and the legal position decided in the aforesaid judgment of the Division Bench of the common High Court, which is binding on this Court, that when the detenu was already released on bail in a crime and when it was made basis for passing the order of preventive detention and when the said order of bail was not placed before the detaining authority, it vitiates the impugned order of preventive detention. Therefore, in view of the law enunciated in the above judgment, as the order of bail is admittedly not placed before the 2nd respondent when he has passed the impugned order of preventive detention, the impugned order of preventive detention is vitiated and, therefore, cannot be sustained.”*

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.”

V. Conclusions:

33. Thus considered, we are satisfied that the impugned order of preventive detention cannot be sustained for following reasons:

i) Criminal cases falling outside the territorial jurisdiction of the detaining authority can be taken into consideration along with the criminal cases in the territorial jurisdiction of the detaining authority, for passing an order of preventive detention, on recording of subjective satisfaction of the detaining authority that those are prejudicial to the maintenance of the public order within the area falling in the territorial jurisdiction of the detaining authority.

ii) the requisite satisfaction with respect to two criminal cases (ground Nos.1 & 2) falling outside the territorial jurisdiction of the detaining authority – District Collector, Nellore that, the act of the detenu for those offences was prejudicial to the maintenance of the public order within the area falling in the **territorial jurisdiction** of the detaining authority, has not been recorded.

iii) the bail orders in Criminal Case Nos.138 of 2024 (ground No.2) and in Crime No.149 of 2025 (ground No.3) and the bail conditions have not been considered keeping in view if those bail conditions

were sufficient to prevent the detenu from indulging into criminal activities and inspite of the bail conditions, those was the necessity to pas the preventive detention order. Any such satisfaction is not reflected from the order of the preventive detention;

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

35. In **Shiv Parsad Bhatnagar vs. State of M.P and another**⁷, the Hon'ble Apex Court has held that "the single vicious ground is sufficient to vitiate an order of detention."

VI. RESULT:

36. The writ petition is allowed. The order of preventive detention dated 02.12.2025 and the order of confirmation dated 02.02.2026 are set aside/quashed.

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

38. The detaining authority shall be at liberty to pass fresh order in accordance with law.

⁷ (1981) 2 SCC 456

39. In case any order of detention is so passed afresh, the period of detention shall not exceed in total the statutory period, including the period already served under the impugned detention order.

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: .09.2026
Note: L.R. copy be marked
B/o.
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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI

WRIT PETITION NO: 35016 OF 2025

Dated: .09.2026
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