

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION NO: 14966 OF 2026

ORDER: :- (per Hon'ble Sri Justice Ravi Nath Tilhari)

Heard Sri D.Purnachandra Reddy, learned counsel for the petitioner and Sri Akula Venkata Sai Jagadeesh, learned Assistant Government Pleader attached to the office of the learned Additional Advocate General, appearing for the respondents.

2. The petitioner, who is wife of the detenu, filed the writ petition under Article 226 of the Constitution of India, challenging the order of preventive detention and seeking a writ of *Habeas Corpus* for his release.

3. The 2nd respondent-Collector & District Magistrate, Tirupati District, passed an order of preventive detention against the detenu, *vide* proceedings in **REV02/242/2026-SA-C2**, dated **12.02.2026**, under Section 3(1) & 3(2) of the Andhra Pradesh Prevention of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act,1986 (for short, "the Act,1986").

4. After the receipt of a report from the Advisory Board dated **06.03.2026**, the detention order was confirmed by the State *vide* **G.O.Rt.No.683**, General Administration (SC-I) Department, dated **31.03.2026**, for a period of twelve months from the date of detention i.e., from 14.02.2026.

5. The detention order was passed based on **six (06)** grounds/ criminal cases pending against the detenu. List of those cases is as under : -

1) Red Sanders Anti-Smuggling Task Force PS, Tirupati, Cr.No. 46/2024, Dated 21.07.2024 under Section 303 (2) r/w 3(5) BNS, BNS, 49, 61(2) BNS and Sec. 20(1)(d)(i)(a) r/w 20(1)(c) ii, iii, iv, x, 36(a) r/w 32A of the AP Forest Amendment Act, 2016.

2) Red Sanders Anti-Smuggling Task Force PS, Tirupati, Cr.No. 64/2024, Dated 29.08.2024, U/sec: 303 (2) r/w 3 (5) BNS, 49, 61(2) BNS and Sec. 20(1)(d)(i)(a) r/w 20(1)(c) ii, iii, iv, x, 36(a) r/w 32A, 32-B, 29(4)(a)(i) of the AP Forest Amendment Act, 2016.

3) Red Sanders Anti-Smuggling Task Force PS, Tirupati, Cr.No. 82/2024, Dated: 20.10.2024. U/Sec 303 (2) r/w 3 (5) BNS, 49, 61(2) BNS and Sec.20(1)(d)(i)(a) r/w 20(1)(c) ii, iii, iv, x, 36(a) r/w 32A, 29(4)(a)(i) of the AP Forest Amendment Act, 2016.

4) Bangarupalem UPS, Chittoor, Cr.No.203/2025, Dated: 15.10.2025, U/Sec.303(2), 152(a), 281 BNS and Sec. 20(1)(d)(i)(a)(b), 20(1)(c)(ii), 20(1)(c)(iii), 20(1)(c) (iv), 20(1)(c)(ix), 20(1)(c)(x) r/w 32A of the AP Forest Amendment Act, 2016.

5) Red Sanders Anti-Smuggling Task Force PS, Tirupati, Cr.No. 57/2025, Dated: 19.11.2025, U/Sec 303 (2) r/w 3 (5)BNS, 49, 61(2) BNS and Sec. 20(1)(d)(i)(a) r/w 20(1)(c) ii, ii, iv, x, 36(a) r/w 32A, 29(4)(a) (i)of the AP Forest Amendment Act, 2016.

6) *Red Sanders Anti-Smuggling Task Force PS, Tirupati, Cr.No. 63/2025, Dated: 18.12.2025, U/Sec 303 (2) r/w 3 (5)BNS, 49, 61(2) BNS and Sec. 20(1)(d)(i)(a) r/w 20(1) (c) ii, iii, iv, x, 36(a) r/w 32A of the AP Forest Amendment Act, 2016.*

6. Learned counsel for the petitioner submits that the detenu was granted anticipatory bail in Crime No.82 of 2024 of the Red Sanders Anti-Smuggling Task Force Police Station under Ground No.3, on 06.03.2025. However, a copy of the bail application and anticipatory bail was not placed before the detaining authority.

7. Learned counsel further submits that the detenu submitted a representation to the Government on 17.04.2026, which was duly received by the Government. Thereafter, remarks were called for from the 2nd respondent-District Collector on 24.04.2026, and the District Collector furnished the remarks to the Government on 01.06.2026. Subsequently, the representation was rejected by the Government on 15.06.2026 vide G.O.Rt.No.1170.

8. Learned counsel submits that there was a delay of 38 days (from 24.04.2026 to 01.06.2026, excluding the starting date) in furnishing the remarks by the 2nd respondent-Collector and District Magistrate. After that, there was a further delay of 14 days (from 01.06.2026 to 15.06.2026, excluding 01.06.2026) in considering and rejecting the representation by the 1st respondent-Government, thereby resulting in an aggregate delay of 52

days from the date on which the remarks were called for till the rejection of the representation.

9. Learned Assistant Government Pleader appearing for the respondents submits that the order of preventive detention does not reflect any consideration of the anticipatory bail application, but he contends further that there is no mandatory requirement to place the bail application before the detaining authority to consider, every bail application filed by the detenu.

10. Learned Assistant Government Pleader further submits that, insofar as the representation is concerned, there is no dispute with regard to the dates. However, an explanation has been furnished for the delay in considering the representation. In this regard, a counter-affidavit has been filed on behalf of the 1st respondent, explaining the circumstances which occasioned the delay. He submits that the explanation furnished constitutes sufficient cause for the delay and, therefore, the order of preventive detention cannot be vitiated on that ground.

11. Learned Assistant Government Pleader further submits that the detenu is involved in six (06) criminal cases relating to the illegal cutting and smuggling of red sandalwood within a period of two years. He contends that the detenu is a habitual offender and that his activities have caused immense damage to the forest and its produce, apart from having an adverse impact on the ecological environment and disturbing public order. He therefore, submits

that there is no illegality either in the order of preventive detention or in the order confirming the same.

12. We have considered the aforesaid submissions advanced by the learned counsel for the parties and perused the material on record.

13. In Ground No.1, the detenu was remanded to judicial custody and lodged in the Special Sub-Jail, Tirupati. In Ground No.2, the detenu was remanded to judicial custody. In Ground No.4, the detenu was sent to judicial custody and remanded to the Special Sub-Jail, Tirupati. In Ground Nos.5 and 6, the detenu was produced before the Special Judicial Magistrate of First Class for Trial of Cases relating to Red Sanders through P.T. warrants, and the said cases are stated to be under investigation.

14. So far as the first submission with regard to the alleged non-consideration of the anticipatory bail application in the criminal case referred to in Ground No.3 is concerned, the anticipatory bail order was considered by the detaining authority, as it is evidence from the consideration under Ground No.3 in the order of preventive detention. So, merely because the application for grant of bail was not placed and, so its non-consideration would not vitiate the subjective satisfaction recorded by the detaining authority. When the bail order was considered, the copy of the bail application would not be a relevant material.

15. The relevant portion of the preventive detention order in Ground No.3 reads as follows:

“The accused **A4 Raju Babu @ Boosi Rajasekhar** was got Anticipatory Bail from the Hon'ble High Court of Andhra Pradesh vide CrI.MP.No.1696/2025, dt.06.03.2025...”

16. Thus, the submission advanced by the learned counsel for the petitioner that the anticipatory bail granted to the detenu in the case referred to in Ground No.3 was not taken into consideration by the detaining authority is not borne out by the record. On the contrary, the preventive detention order specifically records the factum of grant of anticipatory bail to the detenu by the High Court of Andhra Pradesh in CrI.M.P.No.1696 of 2025, dated 06.03.2025. Therefore, the contention that the said material was not considered by the detaining authority cannot be accepted.

17. Additionally, the preventive detention order records that the detenu is involved in the further cases referred to in Part-C under the heading “Prosecution”, which comprises 11 cases, as mentioned below:

PART-C

PROSECUTION:

The accused **B.Rajashekar @ Rajababu @ Boosi Rajasekhar, age 33 years S/o A.Balakrishna, R/o Door No. 15-2857, Bharath Nagar,**

Greenspet Chittoor Town, Chittoor District. Occupation: Car Driver.

Adhar No- 824787676728 has, therefore, destroyed the pristine natural forests for theft and the results of his greed and also disturbing public order, peace, tranquility, social harmony in the society which is depicted below as he is responsible for the following cases:-

1) Theft of Red Sanders timber from Seshachalam Reserve Forests, which is punishable Under Section 379 of IPC., (Theft of National Property)/ Section 303 (2) of BNS.,

2) Acts done by several persons in furtherance ce of of co common intention punishable Under Section 34 of IPC., / Section 3 (5) of BNS.,

3) Punishment for abetment if the act abetted is committed in consequence, and where no express provision is made for its Under Section 109 of IPC Section on 49 of BNS.,

4) Punishment of Criminal Conspiracy Under Section 120 (B) of IPC., / Section 61 (2) of BNS.,

5) Attempt to murder punishable Under Section 307 of IPC., / Section 109 of BNS.,

6) Punishment for voluntarily causing hurt under Section 323 of IPC., / Section 115 (2) of BNS.,

7) Assault or criminal force to deter public servant from discharge of his duty punishable Under Section 353 of IPC., /Section 132 of BNS.,

8) Punishment for kidnapping under Section 363 of IPC., / Section 137 (2) of BNS.,

9) Trespass into the Government Reserve Forests, causing damage by willfully cutting, dragging, felling, grid leg, loping, taps, collection and removal of Forest produce i.e., Red Sanders from Reserve Forests punishable U/Section 20 (1) C (ii) (iii) (iv) (v) (vi) & (x), Sec 20 (d) (i) (a) (b) (2) (a) (b), Sec 29 (2) (b) (4) (a) (i) (ii) (b), Sec 29, Sec 29 (4) (a) & (b), Sec 32A, Sec 32B, Sec 32C, Sec 62A and Sec 68 of AP Forest (Amendment) Act, 2016 (AP Act No.15 of 2016).

10 Contravention of Rule 3 of AP Red Sanders Wood Possession Rules, 1989.

11) Contravention of Section 3, 4 & 6 of Biological Diversity Act, 2002.

18. So far as the contention relating to the delay in considering the representation is concerned, the 2nd respondent-Collector and District Magistrate has also filed an additional affidavit, *inter alia*, stating that the petitioner, who is the wife of the detenu, submitted a representation dated 17.04.2026 by post to the Government. Upon receipt of the said representation, the Government called for remarks from the 2nd respondent on 24.04.2026. Pursuant thereto, the 2nd respondent, by letter dated 27.04.2026, requested the Superintendent of Police to furnish remarks on the petitioner's representation. The said representation was thereafter forwarded by the Superintendent of Police to the concerned officers and Investigating Officers dealing with the cases referred to in the grounds of detention. Upon examining the contents of the petitioner's representation with reference to the respective cases, the concerned officers submitted their remarks through proper channel to the Superintendent of Police on 27.04.2026. Thereafter, the remarks were furnished to and forwarded to the 2nd respondent-Collector and District Magistrate on 08.05.2026.

19. It is further stated in the counter affidavit that during the period from 16.04.2026 to 15.06.2026, the district authorities and the staff of the

Collectorate were extensively engaged in census-related duties. It is stated that census operations are ordinarily conducted once in ten years and, following the disruption caused by the COVID-19 pandemic, the census operations are being conducted during the present year. During the said period, the concerned officers and staff were required to attend to fieldwork and other duties connected with the census operations and, thereafter, the preparatory work relating to the Election Commission's Special Intensive Revision (SIR). Consequently, the availability of the concerned officers and staff for routine office work was affected during the aforesaid period. The petitioner's representation was, therefore, processed at the Collectorate along with the other official duties and responsibilities being attended to by the concerned officers and staff. It is stated that the process could not be completed at the earliest and that the remarks could ultimately be forwarded to the Government only on 01.06.2026.

20. Having regard to the contents of the counter-affidavit and the additional affidavit filed by the respondents, as referred to hereinabove, we are satisfied that the delay in considering the representation has been satisfactorily explained. The material placed on record discloses the steps taken by the concerned authorities at various stages for obtaining the requisite remarks and processing the representation. The explanation furnished by the respondents, including the official duties being attended to during the relevant period, cannot be said to be unacceptable or unreasonable.

21. We are, therefore, of the view that there is no unexplained or inordinate delay in considering and rejecting the representation so as to vitiate the order of preventive detention or the continued detention.

22. The detaining authority, upon consideration of the material placed before it, has recorded its satisfaction with regard to the activities of the detenu in a detailed order and concluded that the detenu falls within the definition of “*Goonda*” under Section 2(g) of the Act, 1986. The detaining authority has specifically recorded that the activities of the detenu are dangerous to the rare and pristine forest wealth, that such activities are habitual in nature and are prejudicial to the maintenance of public order, and that it is necessary to prevent the detenu from further indulging in illicit felling of Red Sanders trees by entering into Reserve Forests, dressing the trees into logs, committing theft, illegally transporting the same to other States for earning huge illegal gains and smuggling Red Sanders wood logs, and thereby to curtail his involvement in such offences.

23. In view of the aforesaid circumstances, and having regard to the nature and gravity of the activities attributed to the detenu, the detaining authority has passed the order of preventive detention with a view to preventing the detenu from indulging in such activities, which are prejudicial to the maintenance of public order.

24. We are satisfied that the order of preventive detention is a well-reasoned order, passed upon due consideration of the entire material placed before the detaining authority. The detaining authority has, on the basis of the material available on record, arrived at the requisite subjective satisfaction for passing the order of preventive detention.

25. It is well settled in law that the Court, while exercising judicial review in matters of preventive detention, does not sit in appeal over the subjective satisfaction of the detaining authority and cannot substitute its own satisfaction for that of the competent authority, unless the order suffers from any illegality, non-application of mind, consideration of irrelevant material, non-consideration of relevant material or other infirmity recognized in law. In the present case, no such infirmity has been established.

26. In ***Ameena Begum v. State of Telangana and Others***¹, the Hon'ble Apex Court reiterated the limited scope of judicial review in matters concerning preventive detention and the need to examine whether the subjective satisfaction of the detaining authority suffers from any legally recognized infirmity.

27. In view of the foregoing discussion, we find no merit in the contentions urged on behalf of the petitioner. The order of preventive

¹ (2023) 9 SCC 587

detention does not suffer from any illegality or infirmity warranting interference by this Court.

28. The Writ Petition lacks merit and is ***dismissed***, accordingly.

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

Date: 13.10.2026

Note :- L.R. Copy to be marked.

B/o
RPD.

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND**

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

(DISMISSED)

WRIT PETITION NO: 14966 of 2026

Date: 13.10.2026

Note :- L.R. Copy to be marked.

B/o
RPD.

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

*** THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

+ WRIT PETITION NO: 14966 OF 2026

% **13.10.2026**

S.Preethi.

.....Petitioner

And:

\$ The State of Andhra Pradesh and others

....Respondents.

!Counsel for the petitioner : ***Sri D.Purnachandra Reddy***

^Counsel for the respondents : ***Sri Akula Venkata Sai Jagadeesh***
learned Assistant Government Pleader

<Gist:

>Head Note:

? Cases referred:

1. (2023) 9 SCC 587

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

WRIT PETITION NO: 14966 OF 2026**DATE OF JUDGMENT PRONOUNCED: 13.10.2026****SUBMITTED FOR APPROVAL:****THE HON'BLE SRI JUSTICE RAVI NATH TILHARI****&****THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

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

RAVI NATH TILHARI,J

ALAPATI GIRIDHAR, J

Date of reserved for orders : **01.10.2026**
 Date of pronouncement : **13.10.2026**
 Date of uploading : **16.10.2026**

APHC010285302026



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

[3624]TUESDAY, THE 13th DAY OF OCTOBER 2026**PRESENT****THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI****THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR****WRIT PETITION NO: 14966/2026****Between:**

1.S.PREETHI, W/O. B. RAJASHEKAR, AGE 28 YEARS, R/O. D.NO.15-2857, BHARATH NAGAR, GREAMPET, CHITTOR, ANDHRA PRADESH.

...PETITIONER**AND**

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT BUILDINGS, AMARAVATHI AT VELAGAPUDI, GUNTUR DISTRICT. 522238

2.THE COLLECTOR AND DISTRICT MAGISTRATE, TIRUPATI DISTRICT. 517503

3.THE SUPERINTENDENT OF POLICE, TIRUPATI DISTRICT. 517501

4.THE SUPERINTENDENT, CENTRAL PRISON, KADAPA, YSR KADAPA DISTRICT. 516002

...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 toPleased to issue writ order or direction more particularly one in the

nature of writ of Habeas Corpus under Article 226 of the constitution of India directing the 4th respondent to produce B. Rajashekar S/o A. Balakrishna, who is now detained in Central Prison, Kadapa before this Honble Court and he may be ordered to be released forthwith after declaring his detention vide REV02/242/2026-SA-C2, dt. 12.02.2026, passed by the 2nd respondent which was confirmed by the respondent vide G.O.Rt.No. 683, dt.31.03.2026 General Administration (SC-I) Dept., as illegal and un constitutional and pass

Counsel for the Petitioner:

1.D PURNACHANDRA REDDY

Counsel for the Respondent(S):

1.ADDL ADVOCATE GENERAL