GOVERNMENT OF ANDHRA PRADESH
ABSTRACT


GENERAL ADMINISTRATION (SC.I) DEPARTMENT

G.O.Rt.No.2433

Dated 16.11.2018

Read the following:-


&&&&

ORDER:

WHEREAS the Collector and District Magistrate, YSR District, Kadapa has made an order of detention, vide reference first read above under section 3 (1) & (2) read with Section 2 (g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against Sri Shaik Mubarak Ali @ Mubarak S/o Shaik Mohammad Haneef, Aged 40 years, No.3, Second Cross, 24th street, Kannapasamy Nagar, Kavangarai, Puzhal, Thiruvallur District, Chennai – 600066, Tamilnadu State, who is habitually committing the offence, for illicit cutting, dressing them into logs, illegal theft, storing, transportation and smuggling of Red Sanders heartwood causing wilful destruction of Red Sanders and immense damage to the public property, in addition to the assault against officials and attempt to murder of officials or abetment of the said offences. This is causing to wilful destruction of red sanders and immense damage to the public property. Because of his repeated anti-social activities, public order is very often disturbed and adversely affected. He is an habitual offender having involved in number of red sander cases.

2. AND WHEREAS the Government have accorded approval of the said detention order under sub-section (3) of Section 3 of the Act, vide Government Orders second read above;

3. AND WHEREAS, Under Section 10 of the Act, Government within three weeks from the date of detention of a person under the order shall place the case before the Advisory Board on Preventive Detentions, constituted under Section 9 of the said Act, comprising of Justice Sri T.L.N. Reddy (Retired), Chairman and two other Members and the Advisory Board shall submit its report to Govt., within seven (PTO)
weeks from the date of detention under Section 11(1) of the said Act. The above said case was placed before the Advisory Board for its consideration and to submit its report to Government, under Section 11 (1) of the said Act, vide reference 3rd read above. The case was reviewed by the Advisory Board on 08.11.2018. After having heard the detenu and the Investigating Officers and also upon perusing the grounds of detention and the connected records, the Advisory Board has reported that in its opinion, “there is sufficient cause for the detention of the detenu, Sri Shaik Mubarak Ali @ Mubarak S/o Shaik Mohammad Haneef, Aged 40 years, No.3, Second Cross, 24th street, Kannapasamy Nagar, Kavangarai, Puzhal, Thiruvallur District, Chennai – 600066, Tamilnadu State”.

4. AND WHEREAS, the Government on careful examination of the entire record, observed that the detenu, Sri Shaik Mubarak Ali @ Mubarak S/o Shaik Mohammad Haneef, Aged 40 years, No.3, Second Cross, 24th street, Kannapasamy Nagar, Kavangarai, Puzhal, Thiruvallur District, Chennai – 600066, Tamilnadu State, was involved in as many as in Twelve (12) cases. The above cases were registered against him, under the provisions of Sec. 20(1)C (ii)(iii)(iv)(v) & (x), Sec.29, 29(4) & 68 Forest Act, as well as Chapter XVI or XVII or XXII of IPC, Rule 3 of A.P. Sandal Wood and red sanders Wood Transit Rules, 1969 and Sec.3 of PDPP Act, 1984 and Sec.51 of Wild Life Protection Act, 1972 Sec.147, 148, 307, 353 & 379, 120(B), 107, 109 r/w 149 of Indian Penal Code. The details shows that he is a habitual offender and a master mind behind the said offences. He has been organizing the illicit felling of red sanders, its theft, transport and smuggling to secret and unknown places in India apart from the reserve forest areas owned by the Government apart from supplying to other smugglers. He has been illegally smuggling red sanders wood duly cutting them from the pristine red sanders forests to the other parts of the country in the highly organized manner in connivances with other kingpin smugglers and also hand-in-glove with other notorious smugglers of contraband red sanders wood, who are smuggling the same across the international borders. The said activities are dangerous to forest wealth and prejudicial to maintenance of public order apart from disturbing the peace, tranquillity, social harmony / order in the society and he became a source of potential danger to the public. The said offences are punishable under Forest Act, 1967 and the rules made there under, as well as Chapter XVI or XVII or XXII of IPC. As such the activities of the individual falls under and within the meaning of ‘Goonda’ as defined under Section 2(g) of Act 1 of 1986. All the incidents mentioned in the grounds of detention clearly substantiate as to how the acts of the detenu are prejudicial to the maintenance of public order. In catena of decisions, the Hon’ble Courts held that any acts of attempt or illegal cutting of the red sander trees and smuggling the timber, would certainly have its impact on the public order. The detaining authority having taken into account and consideration of indulge of the detenu in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb his illegal activities, has passed the detention order against the detenu by invoking the provisions under the Act 1 of 1986, in order to prevent him from indulging further in such activities, which are prejudicial to maintenance of public order and dangerous to forest wealth. The

(Contd...3)
Advisory Board after review of the case, has opined that there is sufficient cause for
the detention of the Detenee. As such, the detenee deserves the maximum period
of detention, as provided under Section 13 of the Act;

5. Now, therefore, after due consideration of the report of the Advisory Board
and the material available on record, Government, in exercise of the powers
conferred under Sub-Section (1) of Section 12 read with Section 13 of the said Act,
hereby confirm the Order of Detention made by the Collector and District Magistrate,
YSR District, Kadapa in the ref. 1st read above, as approved in the G.O. 2nd read
above and direct that the detention of Sri Shaik Mubarak Ali @ Mubarak S/o
Shaik Mohammad Haneef, Aged 40 years, No.3, Second Cross, 24th street,
Kannapasamy Nagar, Kavagarai, Puzhal, Thiruvallur District, Chennai –
600066, Tamilnadu State, be continued for a period of 12 (Twelve) months from the
date of his detention, i.e. 11.10.2018.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
CHIEF SECRETARY TO GOVERNMENT

To
Sri Shaik Mubarak Ali @ Mubarak S/o Shaik Mohammad Haneef, Aged 40 years,
No.3, Second Cross, 24th street, Kannapasamy Nagar, Kavagarai, Puzhal,
Thiruvallur District, Chennai – 600066, Tamilnadu State through the
Superintendent of Jails, Central Prison, Kadapa, YSR District.
The Superintendent of Jails, Central Prison, Kadapa, YSR District (He should
serve the Order on the detenee immediately under proper dated
acknowledgment and arrange to read over and explain the contents of the same
in the language known to the detenee and report compliance to the
Government forthwith)
The Collector and District Magistrate, YSR District, Kadapa.
The Superintendent of Police, YSR District, Kadapa.
The Divisional Forest Officer, Proddatur, YSR District.

Copy to:
The Director General of Police, A.P., Mangalagiri, Guntur District.
The Director General and Inspector General of Prisons and Correctional
Services, A.P., Vijayawada.
The Addl. Director General of Police (Intelligence), A.P., Vijayawada.
The Spl. Govt. Pleader, attached to Learned Advocate General, A.P.High Court,
High Court Buildings, Hyderabad.

Sc/Sf.

///FORWARDED : BY ORDER///

Section Officer (SC)