

Court No. - 37

Case :- HABEAS CORPUS WRIT PETITION No. - 888 of 2023

Petitioner :- Dhani Ram Rajpoot (Corpus) And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Jitendra Rpasad

Kushwaha,Amlendu,Radheshyam

Counsel for Respondent :- G.A.

Hon'ble Manoj Bajaj,J.

1. Sunil Kumar Rajpoot - petitioner no. 2 has invoked extra ordinary writ jurisdiction of this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus for release of detainee - Dhani Ram Rajpoot - petitioner no.1, who is in illegal detention of Manish Rajpoot and Aadesh Kumar - respondents no. 4 and 5 respectively.

2. Learned counsel for the petitioners submits that the detainee namey Dhani Ram Rajpoot is father of petitioner no.2, who is in illegal detention of respondents no. 4 - Manisha Rajpoot, and is not being allowed to meet petitioner no. 2, therefore, he prays that a writ of habeas corpus be issued for release of detainee.

3. During the course of hearing, it is fairly stated by learned counsel that in respect of transfer of immovable property by detainee - Dhani Ram Rajpoot in favour of respondent no. 4 - Manisha Rajpoot (sister of petitioner no. 2) is already subject matter of a civil suit instituted by petitioner no.2 - which is pending adjudication. According to him the said property was got transferred by respondent no. 4 - Manisha Rajpoot in her favour by deceiving the father, who got his signatures on the said deed on the pretext of a loan. Learned counsel has further conceded that the detainee is residing in his own house and the respondent no. 4, who is unmarried is also residing there.

4. Upon examining the material on record as well as submissions of the counsel, this Court does not find any merit in this case as the father and daughter are residing together in a house owned by the father, therefore, it cannot be construed that petitioner no. 1 (detainee) is in captivity of his own daughter, much less against his wishes. Besides, alternatively, it is always open for the petitioner to invoke the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. Resultantly, this Court is not inclined to to exercise the extra ordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the writ petition is dismissed.

Order Date :- 18.10.2023

S.K.S.