

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 346 of 2023

Petitioner :- Neelam Gautam Thru. Sonoo

Respondent :- Superintendent Of Police
Shrawasti And 2 Others

Counsel for Petitioner :- Brij Bhushan
Singh,Pranjal Apurva,Sandeep Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned Counsel for the petitioner and learned A.G.A. for respondent nos. 1 and 2.

Notices to respondent no.3 are dispensed with in view of the proposed order.

The present petition under Article 226 of the Constitution of India has been filed with the following relief:-

(i) Issue a writ, order or direction in the nature of Habeas Corpus directing the opposite parties to produce the petitioner Neelam Gautam before this Hon'ble Court.

(ii) issue a writ, order or direction in the nature of Mandamus commanding the opposite parties to release the petitioner"

It is alleged in the petition that the detenue, who was in live-in-relationship with the deponent of this petition through whom the petition has been filed. They married in a temple and both are major. Respondent no.3,

the father of the petitioner being not happy with the marriage brought her daughter to Shrawasti from Ludhiana on 5.10.2023 against her wishes. He prayed that respondent no.3 may be directed to produce the detinue Neelam Gautam before this Court.

Learned A.G.A. on the basis of instructions, which is taken on record, submits that the deponent Sonu, has been married about 12 years ago. He has three children namely Monu aged about 10 years, Paramjeet aged about 06 years and Pooja aged about 03 years.

It has been further stated in the instructions that Late Santram S/o Bacchu has no daughter named Neelam Gautam as alleged in this petition. Santram has also died and wife of Santram, Phoolmata gave missing report in the Police station Ikauna district Shrawasti dated 26.8.2023. During investigation it was revealed by Phoolmata that she has found her daughter Leela. He submits that Santram and Phoolmata have no daughter named as Neelam. The names of the daughter of Late Santram are Meena aged about 30 years, Mala aged about 25 years and Lilavati age around 20 years.

Since the relief prayed in this petition is against opposite party no.3, who according to written

instructions provided by learned A.G.A. has already died coupled with the fact that the detenue is not the daughter of late Santram the opposite party no.3., no writ can be issued against the dead person.

The writ petition also contains disputed questions of fact which cannot be adjudicated in writ jurisdiction.

In view of the above, the Habeas Corpus petition fails and accordingly, **dismissed.**

Order Date :- 1.11.2023

Madhu