

HIGH COURT OF UTTARAKHAND AT NAINITAL

Habeas Corpus Petition No.04 of 2026

Ashok Kumar Yadav

.....Petitioner

Vs.

State of Uttarakhand and others

..... Respondents

Present : Mr. Parikshit Saini and Ms. Sukhwani Singh, Advocate for the petitioner.
Mr. J.S. Virk, Deputy Advocate General with Mr. Rakesh Joshi, Brief Holder for the State.

Judgment

Coram : Hon'ble Ravindra Maithani. J.
Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

Instant habeas corpus petition has been filed by the petitioner seeking directions for respondent nos.2 and 3 to produce and hand over the corpus of his mother Mrs. Prabhavati Devi, who is aged 89 years.

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that his brother, who is respondent no.4/Bhanu Pratap Yadav has illegally detained their mother. Despite several requests having been made by the petitioner, the respondent no.4 is not allowing the petitioner and other family members to meet Mrs. Prabhavati Devi.

4. When the matter was taken on 23.02.2026, on that date learned State Counsel had given a statement that all the brothers have entered into a compromise and each of them has visitation right to their mother. But, learned counsel for the petitioner had sought time on that date to get instructions. Subsequently, on 25.02.2026, on behalf of the petitioner, a

statement was given that no compromise has been entered between the parties and the statement that has been given by learned State Counsel before the Court on 23.02.2026 is far beyond truth. Under those circumstances, on 25.02.2026, the Court directed S.S.P. Haridwar, for producing Mrs. Prabhavati Devi through video conferencing before this Court from the District Court Campus, Haridwar. On 10.03.2026, when the matter was taken up, Mrs. Prabhavati Devi joined the proceedings through video conferencing. She was not able to speak; not able to response every query of the Court through video conferencing though she revealed her name, her husband's name on that date. Therefore, on that date the Court requested the Chief Judicial Magistrate, Haridwar to record the statement of Mrs. Prabhavati Devi and send it to this Court. Now, the statement has been recorded by the Chief Judicial Magistrate, Haridwar on 10.03.2026 itself and it is already before the Court, which is on record.

5. Mrs. Prabhavati Devi says that she stays with her sons as per her choice. She is able to perform her duties. Her sons do not harass her, but her elder son, who is the petitioner has an apprehension that she may give her land and earning to some other persons. She also tells that she has property and pension. Had it been not with her, she would not have received anything even by begging. She states that she has not been forcibly detained by anyone. She also tells that till she is alive, she will not give her property to anyone.

6. In so far as the petitioner is concerned, the corpus has stated that Ashok harasses her for partition of the property.

7. The statement of the corpus Mrs. Prabhavati Devi falsifies the averments written in the petition.

8. Learned counsel for the petitioner submits that the petitioner was already told in advance that he should come to the Court with clean hands. He had then told that his mother is illegally detained by the respondent no.4.

9. Learned State Counsel submits that it is a frivolous petition and the cost should be imposed.

10. It is a petition under Article 226 of the Constitution of India seeking corpus of his own mother. The allegations are against the respondent no.4, who is real brother of the petitioner. But, when Mrs. Prabhavati Devi, the corpus was examined, the things turn out to be otherwise. It is not that the corpus Mrs. Prabhavati Devi has been illegally detained. According to Mrs. Prabhavati Devi, it is the petitioner, who harasses her for partition of the property. Therefore, the petition deserves to be dismissed subject to costs.

11. Having considered the entirety of facts, this Court quantify the costs as Rs.50,000/-.

12. The petition is dismissed with Rs.50,000/- costs.

13. The costs shall be deposited within a week with the High Court State Legal Services Authority. In case, the cost is not deposited within a week, it shall be recovered as arrears of land revenue and process shall be immediately issued to the District Magistrate, Haridwar for recovery of the costs.

(Siddhartha Sah, J.) (Ravindra Maithani, J.)

17.03.2026

Sanjay