

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1931 of 2015

P.Vasanthi

... Petitioner/Mother of
the detinue

-v-

1.Government of Tamil Nadu,
rep. by its Secretary,
Home Department,
Fort St. George, Chennai-600 001.

2.Inspector of Police,
G-7 Police Station,
Chetpet, Chennai.

3.The Inspector General of Prisons,
Tower II, No.1 Gandhi Irwin Road,
Egmore, Chennai-8.

4.The Superintendent of Prison,
Chennai Puzhal Prison-II,
Chennai-66

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the respondents to produce the body of 1.Niveditha, D/o.Palani, 2.Jhansi, D/o.Kathirvelu, 3.Kanimozhi, D/o.Murugan, 4.Roopavathi, D/o.Shankar and 5.Vanishree, D/o.Ganesan, before this Court and to set them at liberty.

For Petitioner : Mr.R.Sankarasubbu for
Mr.S.Jim Raj Milton

For Respondents: Mr.A.N.Thambi Durai
APP

O R D E R

(Order of the Court made by S.TAMILVANAN,J.)

This petitioner/mother of the 1st detainee Niveditha, D/o.Palani, aged about 23 years, has filed the petition seeking an order directing the respondents to produce the body of detainees 1.Niveditha, D/o.Palani, 2.Jhansi, D/o.Kathirvelu, 3.Kanimozhi, D/o.Murugan, 4.Roopavathi, D/o.Shankar and 5.Vanishree, D/o.Ganesan and to set them at liberty.

2.Learned counsel for the petitioner submitted that one Umashankar, Intelligence Officer had entered into the prison, where the women prisoners, who are detainees herein, were kept in custody and that he tried to influence the women prisoners against law.

3.As per the earlier order dated 18.08.2015, we directed to call for the CD relating to CCTV.

4.A report has been filed by the fourth respondent stating that the CCTV system function is not provided in the women prison so far.

5.Having considered the facts and circumstances of the case, we are of the view that we cannot blame the respondents for not producing the materials relating to CCTV, which is not provided in the women prison. It is not known why the petitioner herein/mother of the 1st detainee, failed to approach the concerned authorities of the prison, by way of making her representation. When there is disputed question of fact, directly filing this petition, without substantiate her claim, would not be proper. This Court, dealing with writ jurisdiction, cannot go into the factual aspect, alleged by the petitioner. Mere allegation would not be basis for passing appropriate orders. We make it clear that any male member, without permission of the concerned authority would enter into the prison, where the women prisoners were kept in custody and make any enquiry or anything is not proper on their part.

6.Accordingly, this petition is dismissed. It is open to the petitioner or the inmates of the detainee to approach the appropriate authority and to establish their case, if they have any grievance, according to law.

-s/d-

Assistant Registrar(CSII)
dt:25/09/2015

True Copy

Sub-Assistant Registrar

To

1.The Secretary to
Government of Tamil Nadu,
Home Department,
Fort St. George, Chennai-600 001.

2.Inspector of Police,
G-7 Police Station,
Chetpet, Chennai.

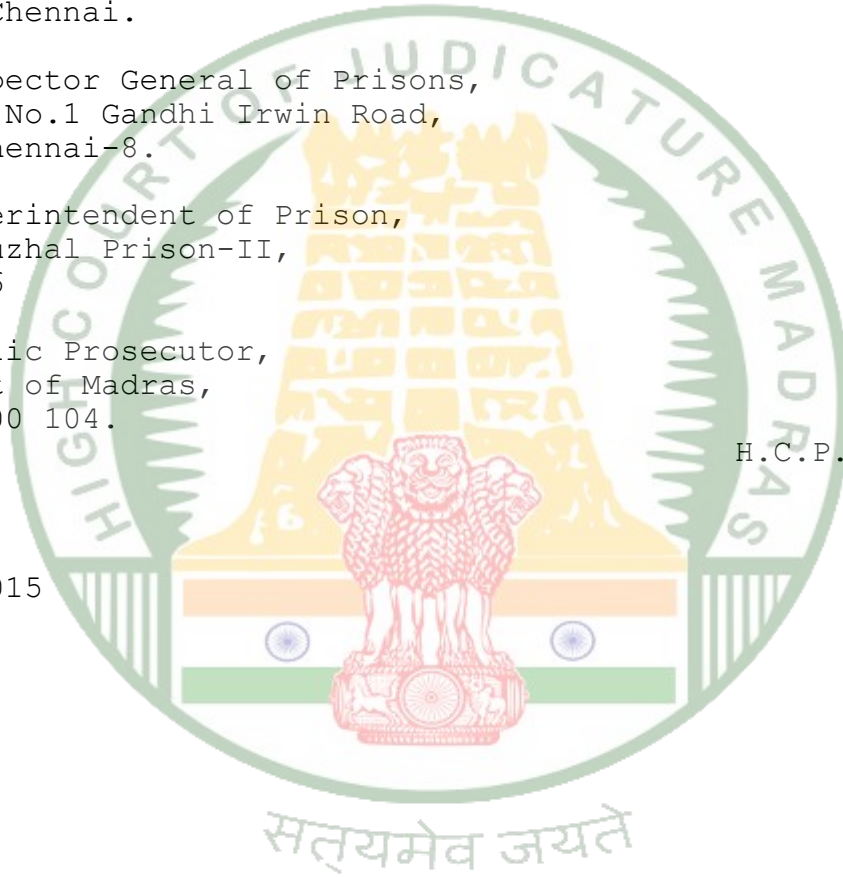
3.The Inspector General of Prisons,
Tower II, No.1 Gandhi Irwin Road,
Egmore, Chennai-8.

4.The Superintendent of Prison,
Chennai Puzhal Prison-II,
Chennai-66

5.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

H.C.P. No.1931 of 2015

aa28/09/2015



WEB COPY