



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.1622 of 2015

P.Palanisamy

: Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2. The Inspector of Police,
Sankarankovil Taluk Police Station,
Sankarankovil,
Tirunelveli District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondents to produce the person or body of the detenu, namely, P.Prabhakaran, S/o.P.Palanisamy, aged about 23 years before this Court and set him at liberty.

For Petitioner : Mr.Manivel Pandian

For Mr.S.Muthu Subramanian

For Respondents : Mr.R.Ramachandran

Additional Public Prosecutor.

O R D E R

[Order of the Court was made by P.R.SHIVAKUMAR,J.]

The alleged missing person - Prabhakaran has been produced today by the second respondent [the Inspector of Police, Sankarankovil Taluk Police Station, Sankarankovil, Tirunelveli District]. Palanisamy, the father of Prabhakaran, has filed this Habeas Corpus Petition for the production of Prabhakaran and to set him at liberty expressing apprehension that he could have been kept in illegal custody.

2. After much efforts, the second respondent was able to locate Prabhakaran, got him and produced him before this Court. The petitioner - Palanisamy is also present. On verification, it is found that Palanisamy along with his family members is residing at Door No.9, Haisodluru - 2, Verajapete, Kodagu 571 249 in Karnataka State and he is working for gain in the said place. It is also revealed that Prabhakaran was also with him and either due to some misunderstandings or with an intention of seeking an industrial employment, Prabhakaran left the place in Mysore, went to Coimbatore and got employment as an Apprentice in Campode Mill at Coimbatore, as per the statement of Prabhakaran. The place of residence of the petitioner and the place from which his son Prabhakaran is



reported to have disappeared and the place wherein he got employment and the place where from he has been brought to this Court by the second respondent are not coming within the territorial jurisdiction of this Bench.

3. The Identity Cards produced by the petitioner show that he is residing at No.9, Haisodluru - 2, Verajapete, Kodagu 571 249. Suppressing the same and claiming to be residing at Door No.40, Therkutheru, Vadakkuputhur Post, Sankarankovil Taluk, which incidentally happened to be his native place, the petitioner seems to have invoked the jurisdiction of this Bench. Such unnecessary trouble came to be made to the police by the petitioner and the precious time of the Court has also been wasted. The learned counsel, who appeared for the petitioner, ought to have advised the petitioner properly to go to the Court having jurisdiction over the place where from the son of the petitioner allegedly disappeared or to the Court having jurisdiction over the place where his son was found. Instead of doing so, the counsel seems to have taken a decision not to leave the brief and thus, the present Habeas Corpus Petition came to be filed. We deprecate such practise of filing unnecessary petition, that too selecting a forum suppressing the fact that the concerned place comes within the jurisdiction of the other fora. Still considering the penury condition of the petitioner, we restrain ourselves from passing an order imposing cost. The enquiry reveals that Prabhakaran is not in the custody of anyone and he being a major, on his own accord, had gone to Coimbatore from Karnataka, pursuant to which the petitioner seems to have lodged the complaint with the second respondent and then filed the present Habeas Corpus Petition.

4. In view of the fact that Prabhakaran left on his own accord and was not found in the custody of anyone, nothing remains to be adjudicated upon in this Habeas Corpus Petition and suffice to record the above said facts and close the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Sankarankovil Taluk Police Station,
Sankarankovil,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN

H.C.P (MD) No.1622 of 2015

Dated: 04.12.2015