

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2016

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1374/2016

Lakshmi

.. Petitioner

Vs

1.The State of Tamil Nadu rep. by
Inspector of Police,
B.6 Police Station, Peelamedu,
Coimbatore-28.

2.Senior Superior,
The Little House of Divine Providence,
Cottelengo Sisters,
1/78 E, Bharathipuram, Sowripalayam,
Coimbatore-28.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the 1st respondent to bring Ms.Poongothai, D/o.Late M.Shanmugam and Late Mrs.Meenakshi before this Court from the illegal custody of the 2nd respondent and set her at liberty.

For Petitioner	:	Mr.Udaya P.S.Menon
For 1st Respondent	:	Mr.V.M.R.Rajentren, Additional Public Prosecutor
For 2nd respondent	:	Mr.P.Kumaran

ORDER**[Order of the Court was made by S.NAGAMUTHU,J]**

The petitioner had a sister by name one Mrs.Meenakshi. Mrs.Meenakshi's husband was one Mr.Shanmugam. Shanmugam and Meenakshi have got children. The detainee Miss Poongothai, now aged at 32 years, is one of the daughters of Shanmugam and Meenakshi. Shanmugam as well as Meenakshi are now no more. The detainee Poongothai has been staying all along for many years in the 2nd respondent organisation. Even, according to the petitioner, Poongothai is not a normally developed woman as she is mentally under developed. The allegation levelled against the petitioner is that the 2nd respondent, who has got nothing to do with Poongothai, is illegally detaining her. With these allegation, the petitioner has come up with this Habeas Corpus Petition.

2. The 2nd respondent has filed a detailed counter wherein *inter alia* it is stated that the 2nd respondent is a Registered Trust under the name and style of "Little House of Divine Providence Cottolongo Sisters Trust". The said Trust has been recognised by the Government of Tamil Nadu and the Certificate of Registration was also issued by the Principal Secretary-cum-State Commissioner for the Disabled and the same has been extended from time to

time. It is further stated that during the life time of the father of Poongothai, her father approached the 2nd respondent, made an application on 20.09.2005 requesting the 2nd respondent to keep Poongothai under the care and custody of the 2nd respondent. Accordingly, she was taken into custody. From that time onwards, she has been under the care and custody of the 2nd respondent. She has given all medical treatments. Psychologically, she is also evaluated and the records are maintained. It is also stated by the 2nd respondent that the Local Level Committee, as per the provisions of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, appointed the 2nd respondent as guardian under Certificate No.198 dated 24.04.2011. Thus, as per Section 14 of the said Act, the 2nd respondent is the legal guardian of Miss Poongothai. Therefore, the 2nd respondent is entitled to keep the custody of Poongothai.

3. The learned Counsel for the petitioner would submit that the petitioner was not aware of the said certificate issued by the Local Level Committee under the Act. He would further submit that the petitioner would work out her remedy in the manner known to law. The said statement is recorded.

S.NAGAMUTHU, J.

AND

V.BHARATHIDASAN, J.

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4. Since we are satisfied that the Local Level Committee under the above Act has appointed the 2nd respondent as a Guardian of Poongothai and the 2nd respondent is now keeping her, taking full care and provide full protection to her, there is no question of any illegal detention. Therefore the grievance of the petitioner is ill-founded.

5. In the result, the Habeas Corpus Petition is dismissed.

[S.N.,J.] [V.B.D.J.,]

10.08.2016

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To

- 1.TheInspector of Police,
B.6 Police Station, Peelamedu,
Coimbatore-28.
- 2.The Additional Public Prosecutor,
High Court, Madras.

H.C.P.No.1374/2016

