

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2016

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

H.C.P.No.1656 of 2016

Mrs.K.Sathiajothi

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.

2.State of Tamil Nadu,
Rep. by Inspector General of Police,
West Zone,
Race Course,
Coimbatore.

3.Superintendent of Police,
Coimbatore Rural,
Ram Nagar,
Coimbatore - 641 009.

4.Inspector of Police,
Alandurai Police Station,
Alandurai,
Coimbatore.

5.Isha Foundation,
Vellingiri Foothills,
Vellingiri,
Coimbatore.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to cause the production of the body or person of petitioner's daughters viz., Geetha Kamaraj, aged 34 and Latha Kamaraj, aged 31 who are held in captive of "Isha Foundation", Coimbatore before this Court and set them at liberty.

For Petitioner : Dr.Kamaraj,
party-in-person

For RR1 to 4 : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

For R.5 : Mr.S.Rajendra Kumar for
M/s.Norton & Grant

ORDER

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

The petitioner claims to be the President of "NERD SOCIETY", a voluntary organization for the promotion of "Non-conventional Energy and Rural Development", recognized by the Tamil Nadu Energy Development Agency (TEDA). Her husband Dr.Kamaraj, is a retired professor, in the Tamil Nadu Agricultural University. They have got two daughters by name Ms.Geetha Kamaraj and Ms.Latha Kamaraj. Ms.Geetha Kamaraj was born on 06.06.1982 and Ms.Latha Kamaraj was born on 13.03.1985.

2.Ms.Geetha Kamaraj graduated in B.E (Mechatronics) in the year 2003. Thereafter, she did her M.Tech in Hallem University in United Kingdom. After getting her post graduate degree, she got employment in the same University and she was working there between 2004 and 2006. She was drawing a salary of US \$ 3000 equivalent to Rs.1,00,000/-. She was given in marriage to one Mr.S.Jayaseelan on 23.04.2007. He was working in the United States of America. Within a short span of time, after marriage, there arose some difference of opinion, which resulted in filing of a petition for divorce in H.M.O.P.No.8/2008, on the file of the learned Subordinate Judge, Tuticorin. By mutual consent, a decree of divorce was passed on 24.01.2008. It is the further case of the petitioner that after the said divorce, Ms.Geetha Kamaraj started attending yoga classes in Isha Foundation at Coimbatore which according to the petitioner, claims to have been propagating and teaching yoga. She joined the Isha Foundation in the year 2007, to learn yoga. It is further stated by that petitioner that Ms.Geetha Kamaraj was listening to the sermons of self styled yoga guru Jaggi Vasudev.

3.It is further stated by the petitioner that her second daughter Ms.Latha Kamaraj graduated in Engineering in the year 2006 and thereafter, she was employed as a Software Engineering in a private Software Company in Chennai. She was drawing a monthly salary of Rs.45,000/-. It is also stated that Ms.Latha

Kamaraj was also influenced by the teaching of yoga and thus, she also started visiting Isha Foundation at Coimbatore. It is further stated that after some time, both Ms.Geetha Kamaraj & Ms.Latha Kamaraj started permanently staying in the Isha Foundation. It is eventually alleged by the petitioner that at Isha Foundation, her daughters have been brain washed and they have undertaken a path of "Sanyasin" and their names have also been changed as "Maa.Mathi" (Ms.Geetha Kamaraj) & "Maa.Maayu" (Ms.Latha Kamaraj) respectively. It is further alleged that the petitioner and her husband were not allowed even to meet their daughters, in the Isha Foundation. In effect, the allegation is that as against the will and wish, Ms.Geetha Kamaraj and Ms.Latha Kamaraj, were illegally detained in the Isha Foundation.

4.When this case came up for admission on 10.08.2016, the petitioner did not make appearance. But, Mr.M.Saravana Kumar, learned counsel for the petitioner argued the case referring to the allegations made in the affidavit filed in support of this petition. He further submitted that Ms.Geetha Kamaraj and Ms.Latha Kamaraj were illegally detained in the Isha Foundation and they should therefore be set at liberty, by an order of this Court. During the course of argument, we felt that it was a disputed question fact as to whether Ms.Geetha Kamaraj and Ms.Latha Kamaraj are really detained illegally by Isha Foundation or they are staying there on their own volition. We also felt that simply acting on the allegations made by the petitioner, we cannot direct the fifth respondent to produce the detainees before this Court, so as to expose them. We also felt that such production of the detainees, before this Court, may amount to invasion into the modesty and privacy of the individuals. Therefore, without harming their modesty and their privacy, this Court wanted to verify the correctness of the allegations made by the petitioner. We were also conscious that such verification should not cause any harm either physical or mental to the other inmates in the Isha foundation.

5.Keeping all these facts in mind, we directed the learned Principal District Judge, Coimbatore, who is also the Chairman of the Legal Services Authority of Coimbatore District, to visit the fifth respondent organization to meet the detainees, to record their statements and the statement of anybody else, if need be and also directed to submit a detailed report, expressing his opinion, as to whether the detainees are in fact detained illegally or not. We further directed that the learned Principal District Judge shall be accompanied by the Secretary, Legal Services Authority, Coimbatore District and the Superintendent of Police, Coimbatore. We also made it clear that at the time of such meeting, the petitioner and her husband shall be allowed to be present. In order to avoid any allegation

of brain washing afresh, we wanted to have the visit of the learned Principal District Judge, immediately. Therefore, we directed the learned Principal District Judge to visit the Isha Foundation at 3.00 pm on 10.08.2016 itself. The learned counsel for the petitioner undertook to inform the same to the petitioner and her husband so that, they could be present in the Isha Foundation at the time of visit of the learned Principal District Judge.

6.Today, when the matter was taken up for hearing, the petitioner's husband Dr.Kamaraj made appearance. He told the Court that he would make his submissions on behalf of his wife, the petitioner herein, as well as on his behalf. He further submitted that he was not in need of the help of the learned counsel, who is on record. Having heard the same, Mr.M/Saravana Kumar, learned counsel withdrew his appearance, by making necessary endorsement on the case records.

7.We have heard Dr.Kamaraj, husband of the petitioner; Mr.V.M.R.Rajentren, learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 4 and Mr.S.Rajendra Kumar, learned counsel for the fifth respondent and we have also perused the records carefully.

8.The learned Principal District Judge, Coimbatore under D.NO.6087/2016 dated 11.08.2016, has submitted a detailed report along with the statements of Ms.Geetha Kamaraj & Ms.Latha Kamaraj and one Mr.Vagava (old name Mr.Ramesh @ Balaguru). In his report, the learned Principal District Judge has stated that he visited the Isha Foundation on 10.08.2016 at 3.00 pm accompanied by Mrs.Ramya Bharathi, Superintendent of Police (Rural) and Mr.John Mino, Secretary of the Coimbatore District Legal Service Authority. After due verification of the identities of the parties, according to him, he created a free atmosphere for the detainees to speak freely. Then, he recorded the statements of Ms.Geetha Kamaraj and Ms.Latha Kamaraj.

9.Ms.Geetha Kamaraj has stated that she had changed her name as Ma.Mathi and she has signed the statement only as Ma.Mathi. Similarly, Ms.latha Kamaraj has stated that she had changed her name as Ma.Maayu and she has signed the statement only as Ma.Maayu. In their statements, they have stated that they have been staying in the Isha Foundation for more than 5 years. They have further stated that they are not illegally detained in the Isha Foundation. They have further narrated as to how they were attracted towards the path of Sanyasin. They have also stated that there is no restriction for their parents to meet them at any time. But, they have made it very clear that they are not willing to return to their parental home. In effect, their long

statements would go to show that they are willing to stay only in the Isha Foundation following the path of Sanyasin.

10.As per the direction of this Court, the learned Principal District Judge was informed by the Inspector of Police that there was a similar complaint made by the father of one Mr.Ramesh @ Balaguru. Therefore, the learned Principal District Judge has recorded the statement of Mr.Ramesh @ Balaguru, whose name has been now changed as "Swamy Vagava". He is a B.E Mechanical Engineering graduate and he has also stated that he resigned his job and chosen to be an inmate of the Isha Foundation as a Sanyasi.

11.The learned Principal District Judge after having held a detailed enquiry has felt that there is no truth in the allegations made by the petitioner that her daughters have been illegally detained by the Isha Foundation and further, the truth is that the detenues are staying in the Isha Foundation, on their own volition.

12.In paragraph No.7 of the report, the learned Principal District Judge has stated as follows:-

"7.I further submit that it appears from the statements made by teh detenues and Ramesh @ Balaguru that they are staying in Isha Centre on their own will. Further along with them being majors, sufficiently educated and worldly wise, there is no reason to disbelieve them. However, it is a fact that they are inmates of Isha Centre for more than 5 years and therefore the influence of the preaching by the Centre cannot be ruled out in toto. In such circumstances, it would be appropriate if the detenues are allowed to stay outside Isha Centre for some time before this mindset is assessed once again."

13.The learned Principal District Judge at the end of his report, has stated that it would be appropriate if the detenues are allowed to stay outside Isha Centre for some time before their mindset is assessed once again. In our considered view, it is not possible for this Court to force somebody to come out of a particular place and to stay at a place to be chosen by someone else. Since, there is no allegation by the detenues that they are restrained wrongfully and they are remaining in the Isha Foundation against their wish, it is not possible for this Court to compel them to come out from the Isha Foundation.

14.The petitioner's husband and the father of the detenues, Dr.Kamaraj, claims that he is a retired professor. He was not present at the time when the learned Principal District Judge visited the Isha Foundation because, he was away in New Delhi to attend the meeting. His wife could not go to the Isha Foundation because, she is unwell. He would further submit that in the Isha Foundation, some kind of food and medicine were administered on the detenues to make them to loose their cognitive faculty and to make such false statements. Therefore, he would request that he may be allowed to meet his daughters/detenues in the Isha Foundation itself along with his wife or to allow him to take the detenues out of the Isha Foundation for few days so that, the detenues can have repose confidence on him.

15.Mr.S.Rajendra Kumar, learned counsel for the fifth respondent/Isha Foundation would submit that the fifth respondent has got no objection at all for the petitioner and her husband to come and meet the detenues at Isha Foundation, at any time, after due intimation. At the same time, he would submit that during such visit, the petitioner and her husband should not have any quarrel with anybody including the detenues and cause any disturbance to the peaceful atmosphere prevailing in the yoga centre and in the Isha Foundation.

16.Dr.Kamaraj, the husband of the petitioner agreed to abide by these conditions to visit his daughters, along with his wife as and when time permits and after due intimation. The said statement is recorded.

17.Having gone through the report of the learned Principal District Judge and having gone through the statements of Ms.Geetha Kamaraj and Ms.Latha Kamaraj and having heard the statements of Dr.Kamaraj, the husband of the petitioner and the learned counsel for the fifth respondent/Isha Foundation and the learned Additional Public Prosecutor appearing for the State, we are of the view that as of now, there is no material on record even to remotely infer that Ms.Geetha Kamaraj & Ms.Latha Kamaraj are illegally detained by the Isha Foundation. Prima facie we are satisfied that the detenues are staying in the Isha Foundation on their own volition following a path of Sanyasin which they like. Therefore, no relief as prayed for in this petition can be granted.

18.In the result, this Habeas Corpus Petition is dismissed however, giving liberty to the petitioner and her husband - Dr.Kamaraj to visit their daughters in Isha Foundation as and when they like, after due intimation, without causing any

disturbance to the peace of the detenues and the other inmates of the Isha Foundation.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jbm

To

- 1.The Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
- 2.The Inspector General of Police,
West Zone, Race Course,
Coimbatore.
- 3.Superintendent of Police,
Coimbatore Rural,
Ram Nagar,
Coimbatore - 641 009.
- 4.Inspector of Police,
Alandurai Police Station,
Alandurai, Coimbatore.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M/s.Norton & Grant, Advocate, S.R.No.46271
+2cc's to Dr.Kamaraj, Party in Person, S.R.No.46454

VD(CO)
CA(24/08/2016)

H.C.P.No.1656 of 2016

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