

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19-10-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S. BASKARAN

H.C.P.No.2229 of 2016

Mr.Kasithambi ... Petitioner
Vs

1.The High Commission of India
31, Grange Road
Singapore - 239 702.

2.The Protector General of Emigrants
9th Floor, Akbar Bhavan
Chankyapuri
New Delhi - 110021.

3.The Secretary to Government
Publi (RH-1) Department
Secretariat, Chennai-9.

4.The Commissioner of Rehabilitation
and Welfare of Non Resident Tamils
Ezhilagam (Annex)
Chepauk
Chennai-9.

5.The District Collector
Cuddalore District Collector Office
Cuddalore.

6.The Superintendent of Police
Cuddalore District
Cuddalore.

7.State represented by
Inspector of Police
T.Puthur Police Station
T.Puthur
Kattumannarkoil (Taluk)
Cuddalore District.

... Respondents

Prayer : This petition is filed to issue a Writ of Habeas Corpus directing the respondents to secure and produce the petitioner's son, namely, Mr.Vadivel Kasithambi, aged about 32 years before this Court.

For Petitioner : M/s.S.Senthamil Selvan

For Respondents: Mr.V.M.R. Rajentren
Additional Public Prosecutor

O R D E R

(Order of the Court was made by M.Jaichandren, J.)

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor, appearing on behalf of the respondents.

2. This Habeas Corpus Petition has been filed, praying that this Court may be pleased to issue a direction to the respondents to secure and produce the son of the petitioner, namely, Vadivel Kasithambi, aged about 32 years, before this Court and to set him at liberty.

3. The petitioner has stated that his son had gone to Singapore to find a job. After reaching Singapore, he has been contacting the petitioner regularly, for some time. Thereafter, the detenu could not be contacted by the petitioner. While so, a friend of the detenu had informed the petitioner that the detenu would return to India from Singapore on 11.11.2015 by Tiger Airways Flight. Thereafter, the petitioner had not received any information about the landing of the detenu at Chennai. Therefore, the petitioner had given a complaint to the Commissioner of Police, on 29.12.2015. He had also given a complaint to the 7th respondent, on 26.4.2016. However, the complaints given by the petitioner had not been registered by the respondent police. Hence, the present Habeas Corpus Petition has been filed by the petitioner.

4. The learned counsel, appearing on behalf of the petitioner had pointed out that a communication had been issued by the Principal Secretary /Commissioner (i/c), Department of Rehabilitation and Welfare of Non-Resident Tamils, dated 29.6.2016, requesting the Mission to look into this issue and arrange for rescue and repatriation of Mr.Vadivel, through the proper Government Agencies, in the host country.

5. It has also been stated in the affidavit filed in support of the petition that it is not certain as to whether the detenu had landed in Chennai Airport or he had been abducted by someone or he has been in the illegal custody of someone in Singapore.

6. In view of the submissions made by the learned counsel appearing on behalf of the petitioner and on a perusal of the records available, this Court is of the view that the relief prayed for by the petitioner cannot be granted by this Court, at this stage. However, it goes without saying that it may be open to the petitioner to seek his relief, if any, before the appropriate forum, in the manner known to law, by filing a private complaint, if so advised.

With the above observations, the Habeas Corpus petition stands dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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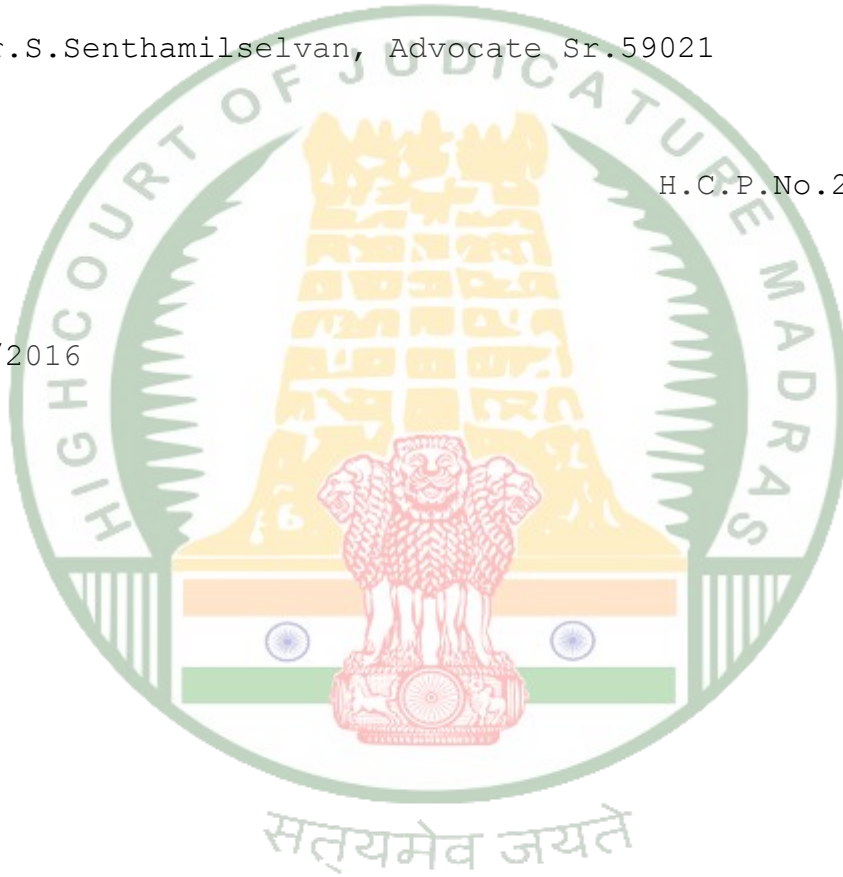
6.The Superintendent of Police
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+1cc to Mr.S.Senthamilselvan, Advocate Sr.59021

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