

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.BASKARAN

H.C.P.No.2394 of 2016

Meenal Singh

... Petitioner

Vs

State rep by

1. The Commissioner of Police,
Vepery, Egmore,
Chennai-7.
2. The Deputy Commissioner of Police,
St. Thomas Mount,
Chennai-16.
3. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
4. The Managing Director,
Global Health City,
A unit of Ravindranath GE Medical Associates Pvt. Ltd.,
No.439, Cheran Nagar,
Sholinganallur, Medavakkam Road,
Perumbakkam, Chennai-100

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the detenu Ajay Singh, son of Jagat Singh, aged about 36 years, now confined by the fourth respondent, before this court and to set him at liberty, forthwith.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor
for RR1 to 3
Mr.Arun Anbumani for R-4

ORDER

[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 counsels appearing on behalf of the respondents.

2. This Habeas Corpus Petition has been filed by the wife of the detenu, praying that this Court may be pleased to issue a Writ of Habeas Corpus, directing the respondents to produce the detenu, namely, Ajay Singh, son of Jagat Singh, aged about 36 years, confined by the fourth respondent, before this Court and to set him at liberty.

3. The learned counsel appearing on behalf of the petitioner had submitted that the detenu has been detained, illegally, by the fourth respondent. It has been stated that the detenu was suffering from liver ailments and that he had required a liver transplantation. Therefore, the petitioner had approached the fourth respondent, for consultation, on 18.6.2016 (UHID No.1020192063). It has been further stated that the liver transplantation had been done, by the fourth respondent, on 5.8.2016. The petitioner had paid a sum of Rs.33 lakhs, as demanded by the fourth respondent, for the liver transplantation operation. The learned counsel appearing on behalf of the petitioner had further submitted that over and above the said amount, the petitioner had paid for the examination and treatment given to the detenu, during the post operative period. However, the fourth respondent had demanded a further sum of Rs.39 lakhs, for the treatment given by the fourth respondent, to the detenu. In such circumstances, the petitioner has preferred the present Habeas Corpus Petition, before this Court, alleging that the fourth respondent has detained the detenu, illegally, against his wishes.

4. A detailed counter affidavit, dated 22.11.2016, had been filed on behalf of the fourth respondent, stating that the detenu had been admitted, in the fourth respondent hospital, on 4.8.2016. The liver transplantation had been done, on 5.8.2016. It had been further stated that, pursuant to the liver transplantation conducted by the respondent hospital, on 5.8.2016, the detenu was in need of further treatment. Therefore, he had continued to stay in the fourth respondent hospital. However, neither the petitioner, nor the detenu had come forward to pay the amount demanded by the fourth respondent hospital, for further treatment given to the detenu, during the post operative period. Even though the detenu needed further treatment, the petitioner had filed the present Habeas Corpus

Petition, before this Court, alleging that the fourth respondent hospital is keeping the detenu in the illegal custody.

5. The learned counsel appearing on behalf of the fourth respondent had submitted that the detenu had been discharged from the fourth respondent hospital, on 18.11.2016, against medical advice, even though it had been informed to the petitioner, as well as the detenu that further treatment was needed, during the post operative period. A copy of the discharge summary had been given to the petitioner. The medical bill, for a sum of Rs.41.50 lakhs had also been given to the petitioner, relating to the treatment given to the detenu, till the date of his discharge from the hospital.

6. The learned counsel appearing on behalf of the fourth respondent had further stated that the detenu had been discharged from the hospital, on 18.11.2016, against medical advice and that the allegations made by the petitioner against the fourth respondent hospital are false and frivolous in nature. It had also been stated that it would be open to the fourth respondent to initiate an appropriate action against the petitioner, as well as the detenu, for the non-payment of a sum of Rs.41.5 lakhs, due to the fourth respondent, for the treatment given to the detenu. The learned counsel appearing on behalf of the fourth respondent hospital had submitted that the petitioner, as well as the detenu are repeatedly coming to the hospital and causing trouble by claiming that they should be treated in the fourth respondent hospital, even though the detenu had been discharged from the fourth respondent hospital, against medical advice.

7. The learned counsel appearing on behalf of the petitioner had admitted the fact that a copy of discharge summary, as well as the medical bill for a sum of Rs.41.5 lakhs, dated 18.11.2016, had been received by the petitioner. It had also been admitted that the detenu had been discharged from the fourth respondent hospital, on 18.11.2016. The learned counsel appearing on behalf of the petitioner had further submitted that neither the petitioner, nor the detenu would go to the fourth respondent hospital and cause disturbance, claiming that the detenu should be treated for the medical ailment, relating to the liver disease, which the detenu had suffered.

8. In such circumstances, this Court is of the considered view that no further orders are necessary, in the present Habeas Corpus petition, as the detenu had been discharged from the fourth respondent hospital, on 18.11.2016. However, it goes without saying that it may be open to the petitioner, detenu, as well as the fourth respondent, to establish their respective claims, with regard to the treatment and the amount to be paid

for the treatment given to the detenu, by the fourth respondent hospital, before the appropriate forum, in the manner known to law, if so advised. Accordingly, the Habeas Corpus petition stands dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Commissioner of Police,
Vepery, Egmore,
Chennai-7.
2. The Deputy Commissioner of Police,
St. Thomas Mount,
Chennai-16.
3. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.68420
+1cc to Mr.Arun Anbumani, Advocate, S.R.No.68887

H.C.P.No.2394 of 2016

SSK(CO)
CA(20/12/2016)

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