



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 14.12.2016
Delivered on : 23.12.2016

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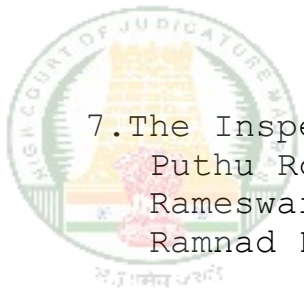
**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P.[MD].No.1480 of 2016

M.Muthumari : Petitioner

Vs.

- 1.The Director General,
Indian Coast Guard,
Head Quarters,
National Stadium Campus,
New Delhi-110 001.
- 2.The Officer In charge (MRSE),
New Mangalore Head Quarters,
Coast Guard District No.03,
(Karnataka) Post Bag No.19,
Panambur, New Mangalore,
Karnataka-575 010.
- 3.The Officer In charge,
Indian Coast Guard,
Regional Head Quarters,
Rajaji Salai,
Near Napiers Bridge,
Chennai.
- 4.The Officer in charge,
Indian Coast Guard Station,
Mandapam.
- 5.The District Collector,
O/o. of the District Collector,
Ramanathapuram District.
- 6.The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram District.



7.The Inspector of Police,
Puthu Road Police Station,
Rameswaram,
Ramnad District.

8.The Inspector of Police,
Karaiyur Police Station,
Rameswaram,
Ramanathapuram District.

9.Balakrishnan

10.Muneeswaran

11.Raja

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 8 to produce the body or person of the detenu, Mr.Kumar, S/o.Muthandi, aged about 24 years before this Court and set him at liberty.

For Petitioner : M/s.A.Rajini

For Respondent No.1 : Mr.D.Saravanan,
Central Government Senior Standing Counsel

For Respondent No.4 : No Appearance

For Respondents 5to8 : Mr.K.S.Duraipandian,
Additional Public Prosecutor

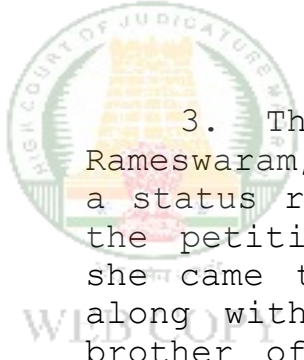
For Respondent No.9 : Mr.M.Prabhu,
For M/s.Polax Legal Solutions

O R D E R

R.SUBBIAH, J.

The petitioner, who is the mother of the detenu-Kumar, S/o.Muthandi, aged about 24 years, has filed the present Habeas Corpus Petition, seeking a direction to the respondents 1 to 8 to produce the detenu before this Court and set him at liberty.

2. The case of the petitioner is that the detenu along with the respondents 9 to 11 herein went for deep sea fishing in the month of July, 2016. After leaving the house, the detenu contacted the petitioner twice and, thereafter, nothing was heard from him. When the petitioner enquired with the respondents 9 to 11, who were sailing along with the detenu, they did not give any satisfactory reply. Since the detenu was found missing under mysterious circumstances, she made a representation to the respondents on 27.10.2016. Since no effective steps were taken to trace out the detenu, she has come up with the present Habeas



3. The Inspector of Police, Puthu Road Police Station, Rameswaram, Ramnad District, the seventh respondent herein, filed a status report stating that on receiving the complaint lodged by the petitioner, she conducted elaborate enquiry and on enquiry, she came to know that the detenu went to Mangalore for fishing along with one Balamurugan and his brother Muneeswaran and the brother of the petitioner herein, namely Namburajan was already working there for more than ten years. Normally, the detenu and his friends, after collecting fishes, return back to sea shore and get their salary from the boat driver-Murugan. However, he did not disburse the salary properly and dragged on the same and in this regard, some dispute arose between him and the detenu. The detenu asked his uncle to get the problem solved, but, at that time, since the detenu was in drunken mood, the driver asked his brother Muneeswaran to take him to another boat and in that process, he accidentally fell down into the sea. The co-employees searched for him with torchlight, but, they were unable to find him. Further, it is stated in the report that on enquiry, the respondent police came to know that the incident in question happened at Mangalore, Karnataka State, and hence, she advised the petitioner to approach the concerned jurisdictional police and seek remedy and based on the same, the respondent police closed the petition enquiry and dropped further action on the petition. Hence, the respondent police prayed for dismissal of this petition.

4. Heard the submissions made on either side.

5. The learned counsel for the petitioner insists the Court to give a direction to the respondent police to investigate the case.

6. However, in view of the reasons stated in the status report, this Court is of the view that there is no need to give any direction to the seventh respondent, because, according to the seventh respondent, on enquiry, they came to know that the detenu fell into the sea accidentally and thereafter, he could not be traced out and since the occurrence took place in Mangalore, Karnataka State, the petitioner has to approach the concerned jurisdictional police. When that being so, this Court cannot give any direction to the seventh respondent to proceed further in this matter.

7. The Habeas Corpus Petition is closed accordingly.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

- 1.The District Collector,
O/o. of the District Collector,
Ramanathapuram District.
- 2.The Superintendent of Police,
O/o. Superintendent of Police,
Ramanathapuram District.
- 3.The Inspector of Police,
Puthu Road Police Station,
Rameswaram,
Ramnad District.
- 4.The Inspector of Police,
Karaiyur Police Station,
Rameswaram,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to M/s.Polax Legal Solutions, Advocate, SR.No.83279

+2 ccs to Mr.D.Saravanan, Advocate, SR.Nos.83351 and 80698

SML

RL/9C/4P/SKN/SAR2/6.1.2017

order made in
H.C.P.[MD].No.1480 of 2016

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23.12.2016