



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P (MD) No.627 of 2016

B.Vijayalakshmi

:Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Bazaar Police Station,
Virudhunagar,
Virudhunagar District.

3.N.Buvaneshwari

4.Perumal

5.P.M.Pandian

6.Baskar

7.Mani

8.M.Ganesan

9.V.R.Nagarajan

10.M.P.S.Selvaraj

11.M.R.P.K.Thirugnanam

12.R.Marikkani

[R-8 to R-12 impleaded as per the order
of this Court made in H.C.P.(MD) No.627
of 2016, dated 20.06.2016]

:Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the first and second respondents to produce the detenu Babu, aged about 42 years, the husband of the petitioner, before this Court for eventual restoration to the custody of the petitioner herein and pass such further or other orders as this Court may deem fit and proper in the nature and circumstances of the case.

For Petitioner

: Mr.T.C.S.Thillainayagam

For Respondents 1&2

: Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor.

For Respondents 5 to 7

: Mr.M.Ramu

For Respondents 8 to 12

: Mr.M.Jothi Basu



O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

This Habeas Corpus Petition is filed to produce the husband of the petitioner, by name B.Babu and set him at liberty.

2. The detenu was in possession of a Tailoring Shop at Kasukadai Bazaar, Virudhunagar District. The shop was owned by Vishvakarma Union Sabha. He was forcibly evicted by the Office Bearers of the Sabha, the respondents 5 to 7 herein. The detenu was attacked by the Office Bearers and the same resulted in registering a case in Crime No.208 of 2016 by the second respondent. The petitioner alleged that the respondents 5 to 7 confined her husband with a view to make him to withdraw the complaint.

3. The police produced the detenu before us, pursuant to the order dated 03 June, 2016. The detenu informed us that he was attacked by the respondents 5 to 7 and forcibly evicted from the premises. The building was, subsequently, demolished by the respondents 5 to 7 and they are in the process of constructing a new building.

4. The respondents 5 to 7 appeared before us and admitted the demolition of the building. According to them, the building was in a dilapidated condition and as such, the same was demolished and they are in the process of putting up a new building. The respondents 5 to 7 informed us that a new set of Office Bearers were elected by the Vishvakarma Union Sabha, Virudhunagar. Since the detenu was forcibly evicted by the respondents 5 to 7, while they were in the management of the property of the Sabha, we impleaded the present Office Bearers as respondents 8 to 12 in the Habeas Corpus Petition.

5. The respondents 8 to 12 appeared before us and informed us that they have no objection in allotting a shop after reconstruction to the detenu. According to the respondents 8 to 12, the respondents 5 to 7 are in the process of constructing the building and allotment should be made only by them. We have, therefore, directed the respondents 5 to 7 to come up with a proposal to allot a suitable shop to the detenu, subject to payment of reasonable rent.

6. The matter was adjourned periodically with a view to arrive at a settlement. We have discussed the issue with the respective parties on multiple occasions with a view to arrive at an amicable settlement and to see that no untoward incident happens hereafter.

<https://hcservices.ecourts.gov.in/theservices>
The petitioner, her husband and the respondents 5 to 12 inspected the property in the presence of Inspector of Police, Bazaar Police Station and prepared a sketch. The sketch duly



signed by the detenu, the Inspector of Police, Bazaar Police Station and the respondents 6 and 8 to 12 is taken on record. The shop marked as Shop No.5 is allotted to the detenu. The detenu agreed to pay a sum of Rs.1,000/- (Rupees One Thousand only) as rent. The respondents 5 to 7 agreed to complete the construction and hand over vacant possession of the shop to the detenu, within a period of two months from today. The respondents 8 to 12 would execute a lease deed in the name of the detenu in respect of shop No.5, which is corresponding to Door No.76, immediately after the completion of construction. The respondents 8 to 12 agreed to recognize the husband of the petitioner, by name, B.Babu, as a tenant of the building. The monthly rent of Rs.1,000/- (Rupees One Thousand only) will be paid to the respondents 8 to 12, after handing over vacant possession to the husband of the petitioner.

8. There is a criminal case pending against the respondents 5 to 7 in Crime No.208 of 2016. The parties have settled the matter. The respondents 5 to 7 agreed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the husband of the petitioner towards the cost of the sewing machines damaged in the incident. The husband of the petitioner agreed to file a compounding petition before the Criminal Court on receipt of a sum of Rs.20,000/- (Rupees Twenty Thousand only) from the respondents 5 to 7 and after putting him in vacant possession of the building on completion of construction. This order is passed to give a quietus to the civil and criminal litigation pending between the parties. The parties are directed to comply with the undertaking as indicated above without default.

9. The Habeas Corpus Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police, Virudhunagar District, Virudhunagar.
- 2.The Inspector of Police, Bazaar Police Station, Virudhunagar, Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.M.Ramu, Advocate in SR.39785

+1cc to M/s.G.Marimuthu, Advocate in SR.39956

+1cc to M/s.T.C.S.Thilainayagam, Advocate in SR.40404

H.C.P(MD)No.627 of 2016

Dated: 27.07.2016