

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE M.S.K. JAI SWAL

WRIT PETITION No.37537 of 2016

Between:

Desala Lakshmi Ganesh

PETITIONER

And

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Home Department, Secretariat, Velagapudi, Amaravathi, Andhra Pradesh, and others.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE M.S.K. JAI SWAL

WRIT PETITION No.37537 of 2016

ORDER: (Per Hon'ble Sri Justice M.S.K. JAI SWAL)

This writ petition was filed to issue a writ of Habeus Corpus declaring the action of the 3rd respondent in keeping the alleged detenue, viz., Desala Sivaramachandra Rao S/o. Venkat Rao, in illegal custody as illegal and arbitrary.

2. This Court passed an interim order on 23.11.2016 as follows:

"The record produced by the learned Special Government Pleader shows that a purported arrest intimation was issued to one Desala Seetha described as the wife of the alleged detenu.

Mr. G.V.S. Meher Kumar, learned counsel for the petitioner, has submitted that Desala Seetha is not the wife of the detenu and that she has nothing to do with his family.

In view of the above serious controversy, the case is adjourned to 07.12.2016.

By the next date of hearing, respondent No.3 shall file an affidavit explaining the relationship between Desala Seetha and the alleged detenu and the reason for not sending arrest intimation to the petitioner, besides producing Desala Seetha before the Court on 07.12.2016."

3. In pursuance of the directions of this Court dated 23.11.2016, the 3rd respondent filed an affidavit stating that Smt. Desala Seetha claims to be the second wife of the alleged detenu, viz., Desala Sivaramachandra Rao. The 3rd respondent produced the said Desala Seetha before this Court. On enquiry she stated that she is the second wife of the alleged detenu.

4. In that view of the matter, the learned counsel for the petitioner submits that since Desala Seetha stated that she is the second wife of the alleged detenue and since the proof is produced by the 3rd

respondent herein that notice was served on Desala Seetha, he does not want to press the writ petition. Therefore, the writ petition is dismissed.

5. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE M.S.K. JAISWAL

7th December, 2016
Js.



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Date: 07-12-2016

Js.