

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN  
and  
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.2721 of 2016

T.Pandian

.. Petitioner

Vs

- 1.The Superintendent of Police,  
Villupuram,  
Villupuram District.
- 2.The Inspector of Police,  
Vanur Police Station,  
Vanur Taluk,  
Villupuram District.
- 3.Bharatha Madha Free De-addiction Centre  
for Alcoholics,  
No.45, Sudalai Veethi, Manaveli,  
Ariyankuppam, Puducherry-600 007.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,  
praying to issue a WRIT OF HABEAS CORPUS, directing respondents to  
produce the petitioner's brother Sakthivel, aged 46 years, before this Court and  
to set him at liberty.

For Petitioner : Mr.T.G.V.Aravinthan

For Respondents : Mr.V.M.R.Rajentran, APP for RR1 and 2

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 Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.

2 This Habeas Corpus Petition has been filed by the petitioner, who is said to be the brother of the detenu, praying that this Court may be pleased to issue a Writ of Habeas Corpus, directing the respondents to produce his brother, Sakthivel, aged about 46 years, before this Court and to set him at liberty.

3 It had been stated by the petitioner that the detenu, who is a mentally retarded person, has been missing, from 2.4.2009. It had been further stated that the father, sisters and other relatives of the detenu have hidden the fact about the place where the detenu had been kept. They had also refused to disclose the other necessary information sought by the petitioner. Therefore, the petitioner had made a complaint, before the first respondent police, on 2.4.2009. While so, the relatives of the detenu had registered a sale deed, before the Sub Registrar, Vanur Taluk, Villupuram District, with regard to the undivided share of the detenu. It had also been stated by the learned counsel appearing on behalf

of the petitioner that steps are being taken on behalf of the petitioner to set aside the sale deed registered, on 18.6.2014, as document No.3021/2014. In such circumstances, the petitioner has preferred the present Habeas Corpus Petition before this Court.

4 At this stage of the hearing of the Habeas Corpus Petition, the learned Additional Public Prosecutor, appearing on behalf of the respondents 1 and 2, had produced a letter before this Court, dated 7.1.2017, written by the Chairman, "Mother Trust", which is a registered Non-governmental Organization, running a Special School for the mentally challenged persons. The letter, dated 7.1.2017 states as follows :

"This is to certify that Mr.T.Sakthivel, Aged 41 years, S/o.Mr.Thiru Neelakandan, residing at No.A/298, Mailam Main Road, Opp. to Murugan Kovil, Vanoor post and Taluk, Villupuram Dt., has been admitted during the year 2012 in our SATHGURU-Special School for the Mentally Challenged, (Run by MOTHER Trust), Salai Village, Deevanoor Post, Tindivanam Taluk, Villupuram Dt., to provide Safe Shelter and Special Education for him to till date."

5 In such circumstances, we are of the view that the detenu is not in the illegal custody of any one, including the "Mother Trust", which is located, in Salai Village, Devanur Post, Tindivanam Taluk, Villupuram District. Hence, no further orders are necessary in the present Habeas Corpus Petition. This Habeas Corpus Petition stands closed. However, it goes without saying that it

would be open to the petitioner to take appropriate steps, with regard to his claim relating to the property in question, before the appropriate forum, in the manner known to law, if so advised and also to pursue the criminal complaint lodged by him, before the Vanur Police Station, Villupuram District.

[M.J.,J.] [T.M.,J.]  
10.01.2017

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To

- 1.The Superintendent of Police,  
Villupuram,  
Villupuram District.
- 2.The Inspector of Police,  
Vanur Police Station,  
Vanur Taluk,  
Villupuram District.
- 3.The Public Prosecutor,  
High Court, Madras.

M.JAICHANDREN,J.  
AND  
T.MATHIVANAN, J.

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H.C.P.No.2721 of 2016

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