



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:06.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**
H.C.P.[MD].No.503 of 2017

P.Santhi : Petitioner

Vs.

1. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tirunelveli District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
3. The Inspector Police,
Seevalaperi Police Station,
Tirunelveli District. : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu namely Perumal, son of Arumugam, aged 35 years before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.T.Mohan,
Additional Public Prosecutor

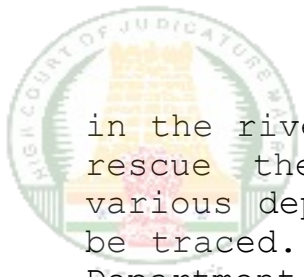
O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Alagumani, learned counsel for the petitioner and Mr.T.Mohan, learned Additional Public Prosecutor appearing for the respondents.

2. The present Habeas Corpus Petition has been filed seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu, namely, Perumal, son of Arumugam, aged about 35 years, before this Court and set him at liberty.

3. The facts leading to the filing of the present Habeas Corpus Petition are that the petitioner's husband Perumal, the detenu herein, along with his friend went to take bath in the Perumal River on 01.12.2015. Due to flood in the river, the petitioner's husband and his friend, by name, Sekar were drowned



in the river water. However, the persons in the area were able to rescue the said Sekar and despite search being conducted by various departmental officials, the petitioner's husband could not be traced. The petitioner has sent a representation to the Revenue Department on 23.12.2015, which is said to have been forwarded to Tirunelveli Revenue Department. The third respondent police also registered a case under the caption "Man Missing" in Crime No. 147 of 2015.

4. The petitioner now seeks a certificate to the effect that the body of her husband is not traceable, so as to enable her to obtain benefits, including employment on compassionate ground, as the petitioner's husband was employed in the Police Department.

5. The learned Additional Public Prosecutor, on instructions, would submit that there is no doubt as to the fact that the petitioner's husband was drowned and that his friend could be saved, but the petitioner's husband could not be saved. If that is the case, then, there will be no difficulty for the competent authority to certify that the petitioner's husband is dead. The learned Additional Public Prosecutor further submits that it is the Revenue Authorities, who are the competent to issue such a certificate. In any event, since a case has been registered, the third respondent has to submit appropriate report, based on which, a certificate should be issued by the competent authority, under the control of the District Collector, Tirunelveli District, the first respondent herein.

6. Considering the facts and circumstances of the case, we direct the third respondent to give necessary report regarding the investigation conducted in Crime No.147 of 2015 and submit the same to the appropriate Revenue Authorities, who in turn shall issue necessary certificate in a proper format to the petitioner so as to enable her to apply for employment on compassionate ground, including other reliefs. The Superintendent of Police, the second respondent herein, is directed to ensure that proper steps are taken in this regard. The District Collector, Tirunelveli District, the first respondent herein, is directed to oversee that the appropriate certificate is issued to the petitioner by the competent Revenue Authority, expeditiously.

7. With the above observation, this Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1. District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tirunelveli District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
3. The Inspector Police,
Seevalaperi Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. [MD] .No.503 of 2017
06.04.2017

JM/KP/SAR 4/20.04.2017/3P/5C