



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

H.C.P. (MD) .No.1512 of 2016

B.Jancyrani

: Petitioner

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of External Affairs,
South Block, New Delhi 110011.
2. The Commissioner of Rehabilitation and
Welfare of Non-Resident Tamils,
Ezhilagam, Chepauk,
Chennai-5.
3. The District Collector,
Office of the District Collector,
Ramanathapuram District,
Ramanathapuram.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
5. The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
6. Mr.Mohamed Ali

: Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India directing the respondents 1 to 5 to produce the body or person of petitioner's husband by name K.Babu son of Kalaimani aged about 36 years holding passport in pass port No.L 2892737 before this Court and set him at liberty.

For Petitioner

: Mr.S.Malaikani

For R1

: Mr.Paulpandi

For R2 to R5

: Mr.T.Mohan

Additional Public Prosecutor

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

This application has been filed by the wife of the detenu, who is said to have been working in Malaysia and as the petitioner was unable to contact him and his whereabouts are not known. Earlier, the matter came up before this Court we passed the following order, dated 12.04.2017.

"Counter affidavit has been filed by the first respondent, from which we see that appropriate verification has been done through the High Commission of India at Kuala Lumpur. The 5th respondent, the Inspector of Police, Keelakarai Police Station, is present and she was produced CD file, from which it is seen that not only the statement of the 6th respondent has been recorded, but also the person with whom the petitioner's husband was stated to be working, has also been recorded. It is also stated that the name of the person is not Balamurugan but it is Velmurugan. When we perused the statement, we find that the petitioner's husband was not in employment in the said hotels in August, 2015. Thus, we have our own doubt as to whether he is a legal migrant or not. Thus, we find that the investigation is going on in the right direction. The learned counsel for the petitioner seeks time to get instructions.

2.Post after four weeks."

2.Thereafter, the respondent filed counter affidavit, from which, it is seen that the High Commission of India, Kuala Lumpur has been watching the Prisoners' as well as the Detention Camp list being received from the Government of Malaysia. The other averments set out in the counter affidavit clearly would show that the effective steps were taken by the High Commission Authority to ascertain the whereabouts of the detenu, but they could not make any headway. It appears to be a case of illegal immigration as the petitioner does not have any material to show that her husband had obtained a work permit in Malaysia. Thus, taking note of the facts, we closed the Habeas Corpus Petition and to direct the first respondent to intimate the petitioner as and when any fresh information is received from the Government of Malaysia. Accordingly, the Habeas Corpus petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary,
Union of India,
Ministry of External Affairs,
South Block, New Delhi 110011.
 2. The Commissioner of Rehabilitation and
Welfare of Non-Resident Tamils,
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 3. The District Collector,
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Ramanathapuram.
 4. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
 5. The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
- + 1 CC TO Mr.S.MALAIKANI, ADVOCATE IN SR No. 60524
+ 1 CC TO Mr.P.PAUL PANDI, ADVOCATE IN SR No. 60644

AM/DAS

TE/GT/SAR-II : 03/07/2017 : 3P/8C

ORDER MADE IN
H.C.P. (MD) .No.1512 of 2016
16.06.2017