

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM

THE HONOURABLE MR JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

Habeas Corpus Petition No.844 of 2015

Tmt.Sathiya

... Petitioner

-Versus-

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Home,
For St. George,
Chennai 600009.

2.The Inspector of Police,
Kannamangalam Police Station,
Vellore, Vellore District.

3.The Secretary,
Department of Home,
Government of Andhra Pradesh.

4.The Director General of Police,
Andhra Pradesh at Amaravathi,
Guntur District.

[Respondents 3 and 4 were impleaded suo motu as per order of this court dated 12.06.2017 in HCP No.844 of 2015]

5.The Chief Secretary to Government,
General Administration Department,
Secretariat Buildings,
Amaravathy, Guntur District,
Andhra Pradesh.

[5th respondent was impleaded suo motu as per order of this court dated 27.06.2017 in HCP No.844 of 2015]

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, direct the respondents to produce the detenu - Parthiban, Son of Balu, now in illegal custody of the 2nd respondent and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.I.Iyyapparaj, APP for
R1 and R2

No Appearance for R3 to R5

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the mother of the detenu. Alleging that the detenu has been missing from 19.12.2013 onwards, she made two representations. As there was inaction on the part of the respondents, who were originally made as respondents, the present petition has been filed. Pursuant to the orders of this court, the higher officials from the State of Andhra Pradesh were impleaded as respondents.

2. There have been four status reports filed in this case. Two reports have been filed by the 2nd respondent - Inspector of Police, Kannamangalam Police Station, Vellore District and the two other reports have been filed by the respondents 3 and 4 and 5 respectively. While the 2nd respondent has stated that despite his sincere efforts, the detenu could not be traced, the respondents 3 to 5 have stated that due enquiry have been made and no case has been registered against the detenu nor his body was found. Thorough investigation has been made in the prisons also.

3. In such view of the matter, we are not inclined to keep this petition pending any longer as the same has been pending for more than four years. Accordingly, this Habeas Corpus Petition stands dismissed, however, we direct the 2nd respondent to further proceed with the necessary investigation. If the petitioner is able get any fresh information, it is always open to the petitioner to furnish the same to the respondents 1 and 2 forthwith as the same may be helpful for further investigation. Similarly, if the respondents is able to get any information about the whereabouts of the detenu, due intimation will have to be given to the petitioner.

kmk

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Department of Home, For St. George,
Chennai 600009.

2.The Inspector of Police,
Kannamangalam Police Station,
Vellore, Vellore District.

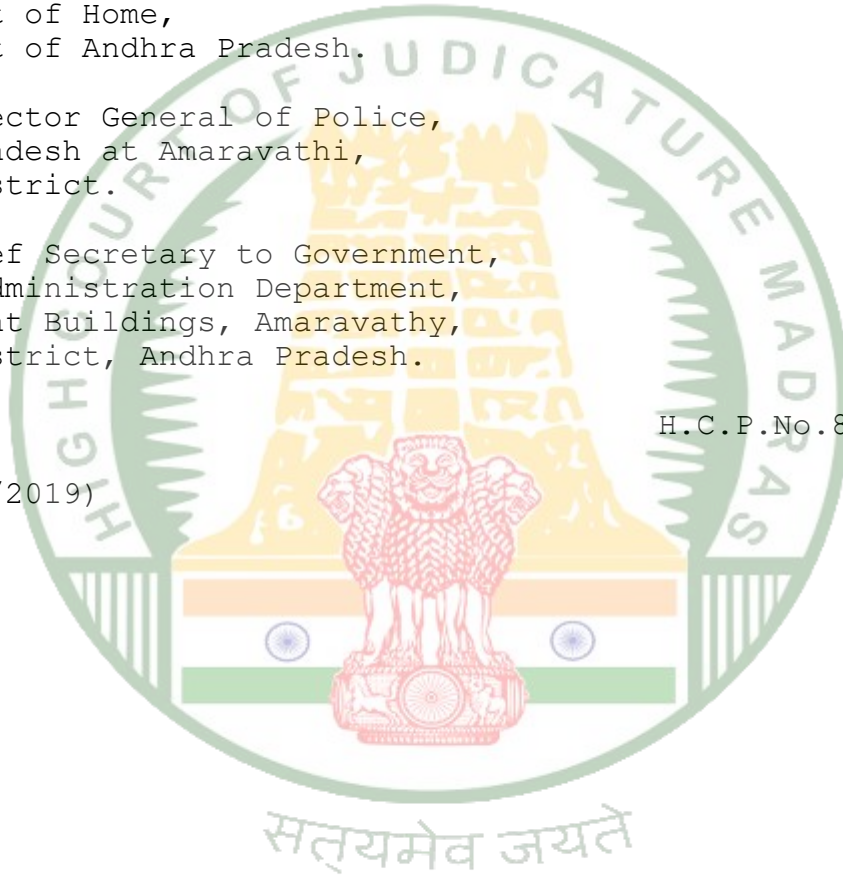
3.The Secretary,
Department of Home,
Government of Andhra Pradesh.

4.The Director General of Police,
Andhra Pradesh at Amaravathi,
Guntur District.

5.The Chief Secretary to Government,
General Administration Department,
Secretariat Buildings, Amaravathy,
Guntur District, Andhra Pradesh.

H.C.P.No.844 of 2015

Kak (24/07/2019)



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