

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

H.C.P.No.377 of 2019

S.V.C.Senthilkumar

Petitioner

Vs

1.The Superintendent of Police,
Thiruvarur District.

2.The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.

3.Vinoth

4.Arulmighu Sree Nagakanniyamman Putru Thirukoil
rep.by Thiru.M.Sivakumar
No.22, Arjunamedu, Tiruverkadu
Chennai-77.

(opp. To Karumariamman Koil)

Respondents

(4th respondent is suo-motu impleaded as per the order dated 20.03.2019 made in H.C.P.NO.377/2019)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus directing the respondents to produce the person or body of his daughter

namely Sivasankari aged about 20 years before this Court and set her liberty.

For Petitioner : Mr.Swami Subramanian
For Respondents : Mr.C. Iyyappa Raj
Additional Public Prosecutor

ORDER

(The Order of the Court was made by **M. SATHYANARAYANAN,J.,**)

This Court, in the earlier order dated 27.02.2019, having noted that the detenu being a major and appears to have been eloped with the 3rd respondent on her own volition and having recorded that she is not in illegal custody at the hands of the 3rd respondent, set her at liberty to go with the 3rd respondent and however taking into consideration of the fact that the detenu and the 3rd respondent said to have got married at Arulmigu Sri Nagakanniyamman Putru Thirukoil, Argunamedu, Thiruverkadu, Chennai-77, has directed the Inspector of Police, T-5 Thiruverkadu Police Station, Chennai to file a Status Report and accordingly, a Status Report dated 20.03.2019 has been filed.

2. A perusal of the Status Report would disclose that the said Temple is located in a private property and one Mr.Madurai maintained

the said Temple between 2000 to 2013 and after his demise, Mr.Siva Kumar is maintaining the Temple. In paragraph No.6 of the Status Report, it is stated that one Mr.Kanaga Sabari who is attached to the said Temple was also examined and he has stated that before solemnising the marriage, filled up application will be entertained with the acknowledgement by the concerned Village Administrative Officer along with the supported documents for age proof, address proof, ration card, community certificate and photos, Aadhar card, Voter ID and thereafter, only, marriage will be performed on receipt of a sum of Rs.1,500/-.

3. Mr.Siva Kumar is present before this Court and he would state that he studied Law at Rajiv Gandhi College, Bangalore and he also got enrolled before the Bar Council of India bearing Enrol.No.858/2008 and he is a non-practicing advocate and he would further add that he is now realised about the consequences of performing such marriages and he has been suitably advised by his counsel and prays for exoneration. It is to be pointed out at this juncture that Mr.Siva Kumar claims to be the lawyer having Enrol.No.858/2008, and therefore, he is supposed to be aware of the law of land especially, the marriage laws and though it *prima facie*

appears that the number of marriages (250 marriages) said to have been performed in the Temple evidencing the factum of the marriage, this Court is of the considered view that in the absence of adherence to the relevant marriage laws, the marriage said to have been performed in the Temple *prima facie* appeared to be not valid. However, taking into consideration the undertaking given by Mr.Siva Kumar, this Court, for the present, is not inclined to pass any adverse order against him. The 2nd respondent namely the Inspector of Police, T-5 Thiruverkadu Police Station, Chennai shall continue to monitor the activities of the said Temple especially with regard to the performance of marriage for some time.

4. Accordingly, the Habeas Corpus Petition is disposed of with the above observations.

[M.S.N, J.]

[M.N.K., J.]

03.04.2019

Internet: Yes/no

Index : Yes/No

sk

Note: Registry is directed to mark a copy of this order to (1) the Inspector of Police, T-5 Thiruverkadu Police Station, Chennai and (2) The Secretary, Bar Council of Tamil Nadu and Puducherry, Chennai-600001.

To:

1. The Superintendent of Police,
Thiruvarur District.
2. The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
3. The Public Prosecutor
High Court, Madras.



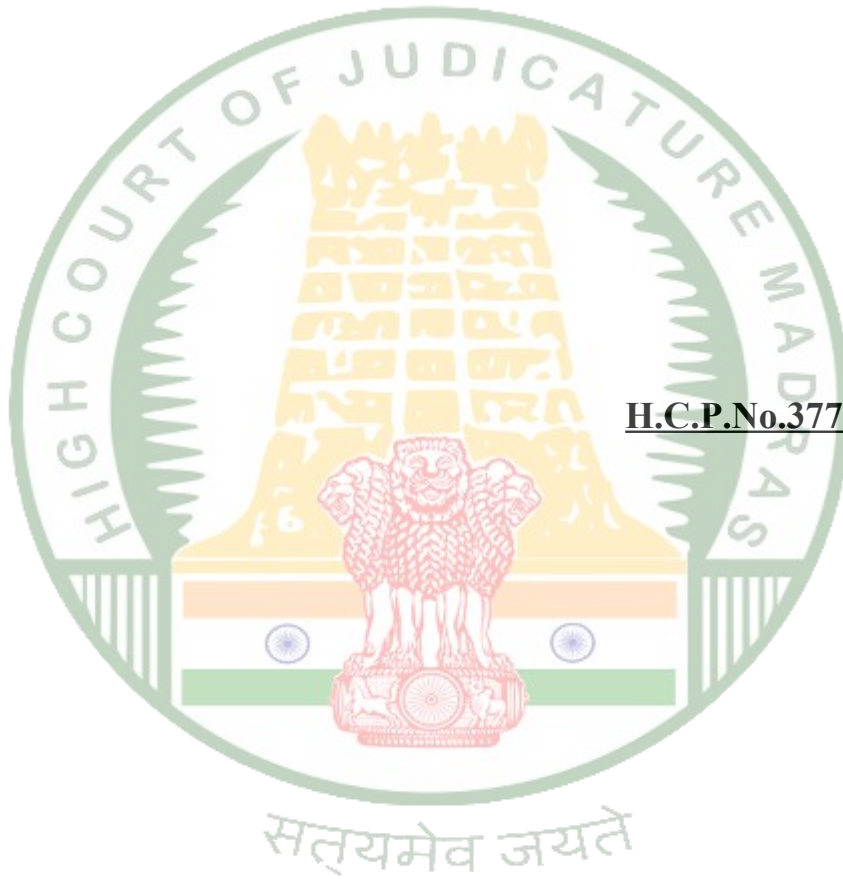
WEB COPY

M. SATHYANARAYANAN,J.

AND

M. NIRMAL KUMAR,J.,

sk



H.C.P.No.377 of 2019

WEB COPY

03.04.2019