

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No.1638 of 2019

P.Rajendran

.. Petitioner

Vs.

1. The Assistant Commissioner of Police,
Guindy,
Chennai - 600 032.

2. The Inspector of Police,
Velachery Police Station,
Chennai - 600 042.

3. N.Kannan

4. P.Narayanan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to direct the respondents 1 and 2 herein to secure the body of the detenu P.Elumalai, aged 55 years, S/o. of late Panchatcharam, who is physically and mentally disabled, from the illegal custody of the respondents 3 and 4 and produce him before this Court for the entrustment of the lawful custody to his brother/petitioner herein.

For Petitioner .. Mr.N.Manoharan

For R1 & R2 .. Mr.C.Iyyappa Raj
Additional Public Prosecutor

For R3 & R4 .. Mr.M.Rajendiran

ORDER

(Order of the Court was delivered by M.M.SUNDRESH, J.)

The petitioner is the brother of the detenu. The 3rd respondent is the son of the 4th respondent. This petition has

been filed seeking a direction to the respondents 1 and 2 for the production of the brother of the petitioner.

2. Heard both sides.

3. There is civil suit pending between the parties. The detenu is stated to be a mentally deranged person apart from having poor health condition. He is suffering from Locomotor Disorder. From the statement made by the learned counsel for the respondents 3 and 4, it could be seen that the detenu is housed at Mahaveer Illam, a Private Home. The aforesaid factum is not disputed by the learned counsel for the petitioner. We are not inclined to go into the said issue. The detenu shall be in Mahaveer Illam, if not residing already, henceforth. Both the petitioner and the respondents 3 and 4 are at liberty to visit the detenu. The petitioner on the one hand and the respondents 3 and 4 on the other hand can bear the expenses mutually for the maintenance of the detenu.

4. In the result, this Habeas Corpus Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

kmk/msrm

To:

1. The Assistant Commissioner of Police,
Guindy,
Chennai - 600 032.

2. The Inspector of Police,
Velachery Police Station,
Chennai - 600 042.

3. The Public Prosecutor,
High Court of Madras, Madras.

+1cc to Mr.N.Manoharan, Advocate SR.No.70008

H.C.P.No.1638 of 2019

GP (CO)
GMY (19/09/2019)