

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 2057 of 2019

Muthulakshmi

... Petitioner

-vs-

1.The Inspector of Police,
Avinasipalaiyam Police Station,
Avinasipalaiyam,
Tirupur - District.

2.Venkatachalam

3.Muthulakshmi

4.Senthil

5.Tamilselvan

.... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the first respondent herein to produce the detainee namely Govindammal, W/o. Chinnaamy, who is the mother of the petitioner suffering from mental disorder, before this Court from the illegal custody of the respondents 2 to 5 and set her at liberty.

For Petitioner : Mr.V.Balamurugane

For Respondents : Mr.R.Prathap Kumar
: Addl. Public Prosecutor for R1
: Mr.R.Prabhakar for R2 to R5

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to the first respondent herein to produce the detainee namely Govindammal, W/o. Chinnaamy, who is the mother of the petitioner suffering from mental disorder,

before this Court from the illegal custody of the respondents 2 to 5 and set her at liberty, the present Habeas Corpus Petition has been filed.

2. The petitioner is the daughter of the detinue who appears to be a mentally de-ranged person. The second respondent is the son of the first wife of the petitioner's father. The third respondent is the sister of the detinue. There appears to be some property dispute between the petitioner on the one side and the respondents on the other especially on the alleged settlement deed executed by the detinue in favour of the third respondent in a disposing state of mind. We are not willing to go into the said issue.

3. The present petition has been filed by the petitioner on the ground that the detinue has been kept by the respondents against her wish and that of the petitioner, who is the daughter.

4. The learned counsel appearing for the petitioner submitted that the petitioner is concerned with the well being of the detinue apart from the treatment that is being given.

5. The learned counsel appearing for respondents 2 to 5 would submit that all along, the detinue has been with them. The learned counsel further submitted that there is no difficulty for the petitioner to have a visit of the detinue as and when she wishes to do so.

6. We do not find any illegal detention per se. However, if the petitioner wants to see the detinue, she can do so on her own will.

7. With the above said observations, the Habeas Corpus Petition stands disposed of.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Inspector of Police,
Avinasipalaiyam Police Station,
Avinasipalaiyam,
Tirupur - District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Balamurugane Advocate, S.R.No. 85157

+1cc to Mr.R.Prabakar, Advocate, S.R.No. 84965

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