



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

31.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

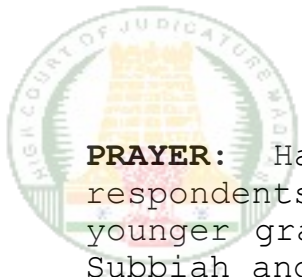
H.C.P. (MD)No.1133 of 2019

A.Kamalayee : Petitioner

Vs.

- 1.The Superintendent of Police,
Sivagangai,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.
- 3.The Inspector of Police,
Sakottai Police Station,
Sakottai, Sivagangai District.
- 4.Vallikannu
- 5.Ramu
- 6.The Office in-charge
Sakthi Vidiyal Home,
21 Kennat Nagar,
Muthupatti East,
Madurai
- 7.The District Collector,
Madurai District, Madurai.
- 8.The Commissioner of Police,
Madurai City, Madurai.
- 9.The District Social Welfare Officer,
Collectorate Campus,
Madurai District, Madurai.
- 10.The Inspector of Police,
C2, Subramaniyapuram Police Station,
Madurai.

: Respondents



PRAYER: Habeas Corpus Petition has been filed to direct the respondents 1 to 3 to produce the body or person of the detainee, younger grand daughter Minor Sangeetha aged about 16 years D/o.Late Subbiah and hand over the custody to the petitioner.

WEB COPY

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.K.Dinesh Babu for R1 to 3
Additional Public Prosecutor

ORDER

This petition has been filed to produce the detainee, namely, Sangeetha before this Court.

2. The detainee Sangeetha was produced before this Court. We enquired the detainee and she stated that the petitioner in this case is her paternal grandmother. She further stated that she has lost both her father and mother and she was taken care by the petitioner for sometime. Thereafter, she was not properly treated by the petitioner and therefore, she had gone to Coimbatore. At that point of time, the detainee was kept in a Home. Thereafter, the sister of the detainee, namely, Palaniammal filed a petition before this Court in HCP (MD) No.1550/2018 and pursuant to the orders passed by this Court on 19.11.2018, the detainee continues to live with her sister Palaniammal at Coimbatore.

3. The sister of the detainee Palaniammal was also present before this Court and she stated that the detainee is taken care by her and the detainee is going for tailoring classes at Coimbatore. She stated that they are not in talking terms with the paternal grandmother.

4. The petitioner was present before this Court and she was accompanied by her daughter. They stated that they want to take care of the detainee and that the husband of Palaniammal is a drunkard and the detainee is not in safe environment as on today and in order to ensure a better future, the detainee must be sent along with them.

5. The learned counsel appearing on behalf of the petitioner submitted that this Court had passed an order in HCP (MD) No.1172/2018 dated 20.08.2018, wherein, this Court had directed the detainee to be kept in a Home till she attains majority. Thereafter, the sister of the detainee has moved this Court. This Court had passed an order on 19.11.2018 permitting the detainee to go along with her sister Palaniammal. Thereafter, the whereabouts of the detainee were not known and in spite of the best efforts of the petitioner, she was not informed about the whereabouts and this



forced the petitioner to approach this Court by filing the present petition.

6. The learned Additional Public Prosecutor submitted that the detenu is now living along with her sister at Coimbatore and there is some family dispute between the parties.

7. This Court has carefully considered the statements made by the respective parties and also the submissions made on behalf of the counsel appearing on either side.

8. It will be relevant to extract the portions of the order passed by this Court in HCP (MD) No.1550/2018:

"2.In the affidavit filed in support of this petition, it has been averred that after the death of the parents, the detenu was staying with her maternal grandmother. While so, the detenu was found missing. Hence, the detenu's paternal grandmother preferred a complaint to the respondents 1 and 2. Since the respondents 1 and 2 did not take any steps to secure the detenu, the detenu's paternal grandmother filed a Habeas Corpus Petition in H.C.P.No.1172 of 2018 before this Court. When the said petition came up for hearing on 20.08.2018, the detenu was produced before this Court and after enquiry, she was directed to be kept in Sakthi Vidiyal Home, Madurai. Thereafter, the present Habeas Corpus Petition has been filed by the elder sister of the detenu.

3.When the matter is taken up today, the detenu has been produced by the respondent police. On enquiry, the detenu, who is a minor, expressed her willingness to go along with the petitioner herein and the petitioner also stated that she will take care of the detenu.

4.Since the detenu expressed her willingness to go along with the petitioner herein, there is no need for further adjudication in this matter. Accordingly, this petition is closed."

9. In view of the above order, the detenu continues to live with her sister Palaniammal. The detenu clearly states that she wants to continue to live with her sister and she is not interested in joining with the petitioner. We cannot force the detenu to go along with the petitioner and the earlier order passed by this Court gives the right to the detenu to go along with her sister. We are not inclined to disturb the present status quo.



10. In the result, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The District Collector, Madurai.

2.The Commissioner of Police,
Madurai City, Madurai.

3.The Superintendent of Police,
Sivagangai, Sivagangai District.

4.The District Social Welfare Officer,
Collectorate Campus,
Madurai District, Madurai.

5.The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.

6.The Inspector of Police,
Sakottai Police Station,
Sakottai, Sivagangai District.

7.The Inspector of Police,
C2, Subramaniyapuram Police Station,
Madurai.

8.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

9. The Office in-charge, Sakthi Vidiyal Home,
21 Kennat Nagar, Muthupatti East, Madurai.

+1 CC to M/s.A.Saravanan, Advocate (SR-95415[F] dated 01/11/2019)

HCP. (MD) No.1133 of 2019
31.10.2019

JMN(15.11.2019) 4P : 11C