



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**
AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

H.C.P. (MD)No.93 of 2020

S.Poongodi

... Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Thanjavur.

3.The Inspector of Police,
Thiruvidaimarudur Police Station,
Thanjavur.

4.The District Forest Officer,
Office of the District Forest Office,
Trichy.

5.The Chief Conservator of Forest,
Government of Tamil Nadu,
Department of Forest,
Chennai - 15.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 to 5 herein to produce the body of the petitioner's husband namely, Sudhakaran, S/o.Baskaran, aged about 39 years, before this Court and set him at liberty, within a time to be stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor



ORDER

[Order of the Court was made by **T.RAJA, J.**]

This Petition has been filed by S.Poongodi, wife of Sudhakaran, seeking for issuance of Writ of Habeas Corpus, to direct the respondents 1 to 5 to produce the person or body of the petitioner's husband namely, Sudhakaran, aged about 39 years, S/o.Baskaran, before this Court and set him at liberty forthwith.

2.According to the petitioner, after the detenu married her, they were blessed with two sons. The detenu has been employed as Assistant Mahout to look after the famous Elephant viz., Gomathi, maintained by Sri Mahalingasamy Temple at Thiruvidadaimarudur, Thanjavur District. He was also assisting the Senior Mahout namely, Thiagarajan. When the matter stood thus, in view of the recent orders passed by the Principal Seat of this Court in W.M.P.No.15802 of 2018 in W.P.No.28793 of 2013, giving direction to the fourth respondent to leave the above Elephant to the Elephant Care, Rescue and Rehabilitation Centre, situated near M.R.Palayam, Siraganur, Trichy, the Elephant Gomathi was taken in a Truck and brought to the said place, for rehabilitation purpose. Along with the said Elephant Gomathi and the Senior Mahout Thiagarajan, the detenu viz., Sudhakaran also accompanied to the forest area at the request of the forest officers with an assurance that he would be sent back to home immediately after reaching the Elephant to the said Camp. On believing the said request, the detenu accompanied with the said Elephant. Thereafter, the petitioner came to know that the Senior Mahout Thiagarajan became seriously ill and he was admitted at Government Hospital, Kumbakonam, on 22.01.2020. Resultantly, the petitioner's husband was asked to take charge of the Elephant, but he has been put to face some torture at the hands of the forest officials. After receiving an information from the detenu through Cell Phone, the petitioner approached the Inspector of Police, Siraganoor, explaining all the above facts with a request to trace the whereabouts of her husband from the forest area. They refused to take the complaint, instead, the Inspector of Police arranged a Police Constable to escort to the forest area to see her husband. But, when the petitioner reached the aforementioned Elephant Rehabilitation Centre, once again, she was refused to see her husband, which caused severe mental agony and hardship to her. The petitioner has given several representations explaining all the facts, but her request was not considered by the respondents, hence, she has been advised to approach this Court by way of filing the present Petition.

3.Learned counsel appearing for the petitioner would submit that the petitioner's husband is also facing ill-health problems and therefore, he could not be allowed to stay in a forest area without any suitable arrangement for his stay, as his health would be deteriorated further and therefore, the detention made by the third



respondent is illegal and hence, the detenu should be set at free by the respondents atleast to take treatment for the ill-health suffered by him.

4.After taking time, today, the learned Additional Public Prosecutor appearing for the respondents stated that since there was a complaint made by the petitioner stating that the detenu has been facing health problems, he was taken to the Hospital and the Hospital Authorities after proper examination, found that the petitioner's husband is hale and healthy and therefore, the allegation made by the petitioner is unfounded. The learned Additional Public Prosecutor has also produced a copy of the medical report of the detenu to the learned counsel appearing for the petitioner.

5.In view of the above, there is no merit in the Habeas Corpus Petition and the same is liable to be dismissed, accordingly, it is dismissed.

Sd/-

Assistant Registrar (CrI.Side)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police, Thanjavur District.

2.The Deputy Superintendent of Police, Thanjavur.

3.The Inspector of Police,
Thiruvidadaimarudur Police Station, Thanjavur.

4.The District Forest Officer,
Office of the District Forest Office, Trichy.

5.The Chief Conservator of Forest,
Government of Tamil Nadu, Department of Forest,
Chennai - 15.

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

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