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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.1748 of 2021

K.Menaka
D/o.Kalaivanan

..Petitioner

Vs.

1. The Assistant Commissioner of Police,
Mylapore, Chennai District.
2. The State represented by
The Inspector of Police,
ICE House Police Station,
Chennai District.
3. K.Preethi
D/o.Kalaivanan

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent to produce the petitioner's father Kalaivanan, aged about 65 years and set him at liberty.

For Petitioner : Mr.A.Ramesh, Senior Counsel
for Mr.G.Kasinathadurai

For Respondents: Mr.R.Muniyapparaj
Additional Public Prosecutor [R1 & R2]
Mr.L.Rajasekaran [R3]

O R D E R

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to the second respondent to produce the petitioner's father Kalaivanan, aged about 65 years and set him at liberty.

2. It is the case of the petitioner that her father Kalaivanan, retired IAS Officer, is in the illegal custody of



her sister Preethi (third respondent herein) and that the petitioner is not being permitted even to meet her father. On these allegations, this Habeas Corpus Petition has been filed.

3. On 01.11.2021, we passed the following order:

'Mr.L.Rajasekaran and Mr.Ashok, learned counsel entered appearance for the third respondent.

2. The petitioner and the detenu viz., Kalaivanan appeared before this Court via video conferencing.

3. Kalaivanan stated that he is blackmailed by the petitioner and that is why, he does not want to meet her.

4. However, the petitioner denied these allegations and stated that Kalaivanan is in the illegal custody of the third respondent.

5. Therefore, we direct an affidavit of Kalaivanan to be filed before this Court, as to whether, he is in the illegal custody of the third respondent or not as alleged by the petitioner.

Post the matter on 15.11.2021. '

4. Pursuant to the order, Kalaivanan filed an affidavit before this Court on 12.11.2021, wherein in paragraph No.9, he has stated as follows:

'9. I submit that I am in good mental and physical health, living peacefully, happily and at liberty in my residence. At any cost, I don't wish to meet or talk to both my daughters the petitioner K.Menaka and K.Meera who are still causing unsaid mental torture and agony to me in my old age.'

5. Mr.A.Ramesh, learned Senior Counsel appearing for the petitioner submitted that Kalaivanan is kept under coercion and threat by the third respondent and that is why, she is not permitting any of the relatives of Kalaivanan, including the petitioner herein, to have access.

6. In response, Mr.L.Rajasekaran, learned counsel for the third respondent, brought to our attention a notice dated 19.03.2021 that has been issued by the petitioner to her father Kalaivanan asking for a share in her property and had followed it up by filing a civil suit before the original side of this Court against Kalaivanan and others.

7. We find that essentially the dispute is for property and



not for any care and love that the petitioner professes towards her father. In the conspectus of the facts obtaining in the case, we do not find any illegal detention of Kalaivanan warranting issuance of a Writ of Habeas Corpus.

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Accordingly, the Habeas Corpus Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1. The Assistant Commissioner of Police,
Mylapore, Chennai District.
2. The Inspector of Police,
ICE House Police Station,
Chennai District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Rajasekaran, Advocate, S.R.No.60898

+1cc to M/s.A.Saravanan, Advocate, S.R.No.60572

H.C.P.No.1748 of 2021

PMK(CO)
RGA(03/12/2021)