



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.08.2021

CORAM:

**THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P. (MD) No.1082 of 2021

M.Kavin Thamizh

... Petitioner

-vs-

1.The Inspector of Police,
Kadaladi Police Station,
SH 29, Kadaladi,
Ramanathapuram - 623 03

2.The Superintendant of Police,
Kadampa Nagar,
Ramanathapuram - 623503.

3.Ramakirushnan

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detainee namely Revathi, aged about 23 years, who is now under the unlawful confinement of Respondent No.3, before this Court and set her at liberty.

For Petitioner: Ms.Anisha Gupta

For R1 & R2 : Mr.S.Ravi

Standing counsel for the State

For R3 : Mr.K.Kumaravel

O R D E R

(Order of the Court was made by V. BHARATHIDASAN, J.)

This Habeas Corpus Petition has been filed by the petitioner M.Kavin Thamizh, alleging illegal detention and confinement of the detainee viz., Revathi, aged about 23 years, by the 3rd respondent herein, who is the father of the detainee, and to produce the detainee before this Court and set her at liberty.

2. The brief facts, leading to filing of the present Habeas Corpus Petition are as follows:-



(i) The petitioner was born as 'Lavanya', subsequently, identified as a Trans man. After getting Doctor's opinion, the petitioner has started hormone therapy. Thereafter, the petitioner changed his name as 'Kavin Tamizh' and also effected Gazette Notification to that effect. In the year 2018, the detenu Revathi connected with the petitioner and they came to get along with each other in due course. Petitioner also disclosed to the detenu about his gender as a "Trans man". Thereafter, both the petitioner and the detenu entered into a relationship, which is both protected and permitted under the Constitution.

(ii). Both the petitioner and the detenu loved with each other and decided to continue their consensual relationship. At present, the petitioner is working in Chennai Metro (KCIC). In the meantime, on 27.04.2021, the detenu Revathi left her home, after sending letters to the Kadaladi Police Station and Superintendent of Police, Ramnadapuram, intimating that she left the parental home and wanted to lead a life of her own. The detenu joined the petitioner at Madurai and both of them left for Chennai. Now, the petitioner found accommodation for the detenu Revathi at Pallavaram Keezhakattalai Ladies Hostel.

(iii) Subsequently, on 08.05.2021, the parents of the detenu Revathi came along with Police officials, forcibly separated them and took the detenu Revathi along with them. Alleging that the actions of the respondent police is *ex facie* illegal and the detenu Revathi has been illegally detained by the 3rd respondent against her will, the present Habeas Corpus Petition is filed.

3. Earlier, on 11.08.2021, the respondent Police produced the detenu Revathi before this Court. On enquiry, she stated that she on her own, left with the petitioner and now, she is willing to go with the petitioner only. Since, the petitioner was not present, at request of the learned counsel for the petitioner, the matter was directed to be listed today and the detenu was sent to a home, as she was not willing to go with her father.

4. Today, petitioner, detenu Revathi and the father of the detenu, are present before this Court.

5. We have enquired both the petitioner as well as the detenu Revathi. They stated that they are living together for more than three years and the detenu Revathi also stated that she knowing fully well that the petitioner is a "Trans man", and she wanted to live with him. The petitioner also willing to take the detenu with him. The father of the detenu, who is present before this Court, opposed the above relationship.

6. Therefore, considering the fact that the detenu Revathi is willing to go with the petitioner, on her own



volition, we set the detenue at liberty and permitted her to go along with the petitioner.

7. With the above directions, the Habeas Corpus Petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Inspector of Police,
Kadaladi Police Station,
SH 29, Kadaladi,
Ramanathapuram - 623 03
- 2.The Superintendant of Police,
Kadampa Nagar,
Ramanathapuram - 623503.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MANURAJ, Advocate (SR-26299[F] dated 13/08/2021)

H.C.P. (MD) No.1082 of 2021
13.08.2021

GC/25.08.2021/3P/5C