



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM:

**THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
and**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
H.C.P. (MD) No.1056 of 2021**

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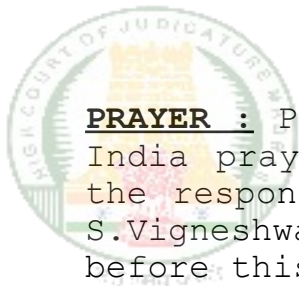
S.Pandiyarajan

... Petitioner/Father of the detenu

vs.

- 1.The Secretary,
Ministry of External Affairs,
The Government of India,
Delhi-110001.
- 2.The Chief Secretary,
The Government of Tamil Nadu,
Secretariat,
Chennai-09.
- 3.The Secretary,
Ministry of Home & Prohibition and Excise,
The Government of Tamil Nadu,
Secretariat,
Chennai-09.
- 4.Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-04.
- 5.The district Collector,
District Collector Office,
Madurai District.
- 6.The Commissioner of Police,
Office of Commissioner of Police,
Madurai City,
Madurai.
- 7.The Inspector of Police,
Tallakulam Police Station,
Madurai City,
Madurai.

... Respondents



PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents to secure the body or person of the detainee namely S.Vigneshwaran S/o.Pandiyarajan, aged about 26 years and produce him before this Court and set him at liberty.

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For Petitioner : Mr.V.Om Prakash
For R1 : Mrs.Victoria Gowri
Assistant Solicitor General
For R2 to R7 : Mr.S. Ravi
Additional Public Prosecutor

O R D E R

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

The prayer in the Habeas Corpus Petition is to direct the respondents to produce the petitioner's son namely S.Vigneshwaran S/o.Pandiyarajan, aged about 26 years and hand over custody to the petitioner.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. It is alleged that the petitioner's son by name Vigneshwaran, has gone to Philippines to pursue his medical course, he left India in the year 2016, and found missing from the year 2018, and his whereabouts are not known. Though the petitioner has approached the State Government as well as the Central Government, he could not get any information about his son and therefore, this Habeas Corpus Petition is filed.

4.When the matter was taken up for hearing on 16.08.2021, Mrs.Victoria Gowri, learned Assistant Solicitor General appearing for the first respondent, on instructions, submitted that initial investigation reveal that the minor boy joined a medical course in oneDavao Medical School Foundation College of Medicine, Davao City, Philippines, in the year 2016, thereafter, he abandoned the course and married a Philippines woman now he is said to be residing at Mindanao in Philippines and Indian Embassy is taking steps to contact with the missing boy. The learned Assistant Solicitor General sought time, therefore the matter was adjourned today.

5. Today, Mrs. Victoria Gowri, learned Assistant Solicitor General, on instructions, submits that Indian Embassy at Manila is not able to contact the missing boy and taking steps to establish contact.

6. The learned counsel for the petitioner would submit that petitioner may not be in a position to dispute the abovesaid



statement. However, he wants to meet his son and he is ready to go to Philippines and the Indian Embassy at Manila may be directed to give all possible legal assistance to the petitioner to meet his son at Philippines.

7. The learned Assistant Solicitor General, on instructions, would submit that Indian Embassy at Manila will extend all possible help to the petitioner to trace his son.

8. Considering the submissions made on either side and considering the fact that missing boy said to be living with his wife at Mindanao, Philippines, and he is not illegally detained by anybody, no further adjudication is required in this Habeas Corpus Petition.

9. However, considering the submission of the learned counsel for the petitioner, in the event of the petitioner visiting Philippines to meet his son, the Indian Embassy at Manila is directed to give all possible assistance to the petitioner to meet his son.

10. With the above direction, this petition stands closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

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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 Secretary,
Ministry of External Affairs,
The Government of India, Delhi-110001.
- 2.The Chief Secretary,
The Government of Tamil Nadu,
Secretariat, Chennai-09.



3.The Secretary,
Ministry of Home & Prohibition and Excise,
The Government of Tamil Nadu,
Secretariat,
Chennai-09.

4.Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-04.

5.The district Collector,
District Collector Office,
Madurai District.

6.The Commissioner of Police,
Office of Commissioner of Police,
Madurai City, Madurai.

7.The Inspector of Police,
Tallakulam Police Station,
Madurai City, Madurai.

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

H.C.P. (MD) No.1056 of 2021
27.09.2021

SJ(CO)
KB(07.10.2021) 4P 9C