



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2021

CORAM:

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

H.C.P. (MD)No.1507 of 2021

M.Vellaisamy

... Petitioner

-vs-

1.The Superintendent of Police,
Trichy.

2.The Deputy Superintendent of Police,
Manapparai,
Trichy District.

3.The Inspector of Police,
Thuvarankurichi
Marungapuri Tk,
Trichy Dt.

4.The Deputy Superintendent of Police,
Ranaveeran D.S.P.,
Paramathy Tk, Namakkal Dt.

5.Balamurugan,
Inspector of Police,
Paramathy Tk, Namakkal Dt.

6.Sakthi

7.Chinnu,

8.Akila

9.Kamalam

10.Samsudeen

11.Nagarajan

12.Chithra

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, to direct the 1st respondent to cause the production of the body or person of the petitioner's children namely, 1.Vijayakala, elder daughter, aged about 15 years, 2.Vijayakumar, first son, aged about 14 years, 3.Vijayaraj, second son, aged about 13 years, 4.Vijayaanand, third son, aged 11 years, 5.Ponnershankar, fourth son, aged 9 years and



6.Sabarinathan, fifth son, aged 7 years, before this Court and hand over them to the petitioner.

For Petitioner : Mr.M.Vellaichamy(Party in Person)

For Respondents: Mr.S.Ravi

Additional Public Prosecutor

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O R D E R

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

Alleging that the petitioner's minor children viz. Vijayakala, elder daughter, aged about 15 years, Vijayakumar, first son, aged about 14 years, Vijayaraj, second son, aged about 13 years, Vijayaanand, third son, aged about 11 years and Sabarinathan, fifth son, aged about 7 years, are in illegal custody of the 12th respondent/wife of the petitioner-Chitra, and the respondents 6 to 11, the present Habeas Corpus Petition has been filed for production of the minor children.

2. Today when the matter is taken up for hearing, Mr.S.Ravi, the learned Additional Public Prosecutor appearing for the official respondents submitted that already with a similar prayer, the petitioner has filed another Habeas Corpus Petition in HCP(MD)No.548 of 2020, notice was ordered, and the 12th respondent present before this Court along with her children and on enquiry, all the children willing to go with the mother / 12th respondent herein. That apart, out of the six children, one Ponnershankar, died in a motor accident.

3. Recording the above statement of the wife, this Court, by an order dated 05.11.2020 dismissed the Habeas Corpus Petition with liberty to the petitioner to work out his remedy, before the appropriate Forum, in the manner known to law. Now, once again the present Habeas Corpus Petition has been filed with same prayer. The learned Additional Public Prosecutor also produced the copy of the order passed in HCP(MD)No.548 of 2020.

4. In the said circumstances, the second Habeas Corpus Petition, with the similar prayer, is not maintainable. Hence, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (W)

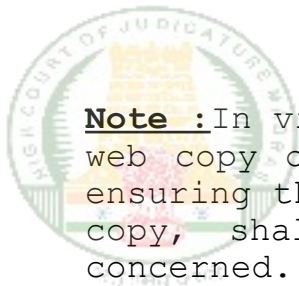
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/ /2021

Sub Assistant Registrar(CS)

mpk

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

- 1.The Superintendent of Police,
Trichy.
- 2.The Deputy Superintendent of Police,
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- 3.The Inspector of Police,
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Marungapuri Tk,
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- 4.The Deputy Superintendent of Police,
Ranaveeran D.S.P.,
Paramathy Tk, Namakkal District.
- 5.The Inspector of Police,
Paramathy Tk, Namakkal District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

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