



H.C.P.(MD) No.2011 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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Rajammal

... Petitioner/
Aunt of the detenu

-VS-

- 1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 2.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
- 3.Mrs.Vasukiswami
- 4.Mrs.Kavitha Saanu
- 5.The Sub-Registrar,
Thallakulam.
- 6.The Sub-Registrar,
Maanamadurai.



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7.The Inspector of Police,
City Crime Branch,
Madurai City.

(R6 to R7 are suo-motu impleaded as
per the order of this Court dated 02.12.2022)

8.M.S.Chellamuthu Trust and
Research Foundation
represented by
Dr.C.Ramasubramanian,
No.611, K.K.Nagar,
Near K.K.Nagar Arch,
Madurai-625 020.

(R8 is suo-motu impleaded as per the
order of this Court dated 05.09.2023)

9.Shanthi

10.Nagarajan

(R9 and R10 are suo-motu impleaded as
per the order of this Court dated 27.09.2023)

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 & 2 to produce the person or body of the petitioner's younger brother's son Senthilkumar, son of late Pandimuthu, aged about 36 years old, who is a mentally challenged person (Paranoid Schizophrenia) before this Court and set him at liberty.



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For Petitioner :Mr.Henri Tiphagne
For R1 & R2 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the octogenerian aunt of the detenu seeking to produce the alleged detenu namely Senthilkumar, son of late Pandimuthu, aged about 36 years old, who is a mentally challenged person (Paranoid Schizophrenia) before this Court and set him at liberty.

2. The petitioner is the aunt of Senthilkumar, who is a mentally challenged person (Paranoid Schizophrenia). After demise of the parents and brother of the said Senthilkumar, the petitioner was taking care of him. The said Senthilkumar was under treatment for his psychiatric disorder under the care of Dr.C.Ramasubramanian, Senior Consultant. Whiles, respondents 3 and 4, who are related to the petitioner and Senthilkumar, under the guise of taking him for adequate treatment for mental health did not send Senthilkumar back to the



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petitioner. Later apprehending that the relatives are keeping custody of Senthilkumar to knock off the properties, the petitioner has filed this Habeus Corpus Petition.

3. This Court taking cognizance had issued slew of orders for the welfare of said Senthilkumar. The said Senthilkumar is now being kept in M.S.Chellamuthu Trust. Earlier, pursuant to the orders passed by this Court Mr.Meenakshi Sundaram, learned Additional Public Prosecutor was directed to manage the affairs of the two properties and receive the rents and directed to fix the tenants for the property and to maintain the property. He has fixed two tenants and they have been depositing the amount directly into the account of the Senthilkumar.

4. The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that the doctor at Government Rajaji Hospital, Madurai has given a report dated 11.06.2024 stating that the detenu is in need of care and protection and continuous treatment. The detenu is now being taken care of by Mrs.Chellamuthu Trust and Research Foundation, Madurai. He would



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further submit that the building owned by the detenu Senthilkumar has been let out on rent and the rental amounts are paid in the bank account of Senthilkumar and the accounts are maintained by the M.S.Chellamuthu Trust and Research Foundation, Madurai and the bank passbook and the original documents are also with the said Trust.

5. The learned counsel appearing for the Trust would submit that the Trust now is taking care of Senthilkumar and as per the opinion of the doctors he is in need of continuous treatment for rehabilitation. She would further submit that the Chairman and Managing Director of the M.S.Chellamuthu Trust and Research Foundation, Madurai is taking personal care of the said Senthilkumar.

6. The learned counsel appearing for the petitioner would submit that as on today, the petitioner's nephew Senthilkumar is in the safe hands of M.S.Chellamuthu Trust and Research Foundation, Madurai and the petitioner has no objection in her nephew being in the custody of M.S.Chellamuthu Trust.



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7. Having found that the said person Senthilkumar is in safe custody and that he needs continuous treatment for rehabilitation, We deem it appropriate to appoint Dr.C.Ramasubramaniam, Founder and Chairman of M.S.Chellamuthu Trust as the guardian of Mr.Senthilkumar and he shall manage the affairs of the said Senthilkumar to his best interest and take every steps to secure and manage his properties and maintain them.

8. In view of the above, this habeas corpus petition is closed. In the event if Dr.C.Ramasubramaniam requires any clarification he can approach this Court.

[A.D.J.C., J.] [K.R.S., J.]
12.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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