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HCP.No.2572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2572 of 2024

Mr.Karthigaisamy @ Karthick

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruppur District, Tiruppur.

2.The Inspector of Police,
Vellakoil Police Station,
Tiruppur District.

3.Mr.Subramani

4.Mr.Ramaraj

5.M/s.K.K.M.Foundation,
Represented by its Founder (Name not Known)
No.3/649, Ganapathy Palayam Road,
Veerapandi Post, Tiruppur District.

6.The Inspector of Police,
Usilampatty Taluk Police Station,



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Madurai District.

7.The Superintendent of Police,
Madurai District.

(R6 & R7 are suo motu impleaded as per
order dated 23.10.2024 in H.C.P.No.2544/2024)

8.The Commissioner,
Tiruppur City.

9.The District Collector,
Tiruppur District.

(R8 & R9 are suo motu impleaded as per
order dated 28.10.2024 in H.C.P.No.2572/2024)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 1st and 2nd Respondents herein to produce the body or in person of detenu's / friend namely Mr.Ganesan, Son of Chidambaram, aged about 43 years before this Hon'ble High Court and set him at Liberty.

For Petitioner : Mr.M.Ramamoorthi
For Mr.M.Dinesh

For Respondents
(For R1, R2, R6 to R8) : Mr.R.Muniyapparaj
Additional Public Prosecutor

(For R3 & R4) : Mr.K.P.Ananthakrishnan
For Mr.Thangavadhana Balakrishnan

(For R5) : No appearance



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(For R9)

: Mr.M.Sureshkumar
Additional Advocate General
Assisted by
Mr.S.John J.Rajasingh
Additional Government Pleader

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The Habeas Corpus Petition has been instituted to direct the 1st and 2nd respondents herein to produce the body or person of detenu's friend namely Mr.Ganesan, Son of Chidambaram, aged about 43 years.

2. The Habeas Corpus Petition has been instituted by the friend of the detenu and he states that the detenu is his close friend and he is hailing from Usilampatti Taluk, Madurai District. He was relocated to Tirupur, where the petitioner met the detenu and they became close friends. The detenu lost his parents in his childhood and has no siblings and was with the custody of the respondents 3 and 4, who are relatives. The respondents 3 and 4 were taking care of the detenu from the year 1996 and the dispute arose between several parties. The Medical report reveals that the IQ level of the detenu is lower than the normal person and therefore, he is incapable of taking decisions properly.



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3. We have examined the detenu. The detenu is not in a position to take a firm decision and he states that he knows the petitioner and the respondents 3 and 4 are his relatives and further raising allegation against Advocate, who was dealing with his matters. Thus, this Court formed an opinion that the property of the detenu is to be protected under law.

4. This Court further found that several persons are attempting to abuse the detenu for dealing with the properties belonging to him and the same worth to several Crores. Under those circumstances, this Court *suo motu* impleaded the District Collector, Tiruppur District and other official respondents for the purpose of protecting the interest of the detenu, whose IQ level is lower than that of the ordinary prudent man. The District Collector, Tiruppur District, was appointed as an interim guardian pursuant to the orders of this Court and accordingly, the District Collector, Tiruppur, started collecting the rents from the building belongs to the detenu and maintaining the accounts. The detenu is now staying in KKM Foundation at Tiruppur and the said Foundation is providing all facilities and taking care of the detenu. The District Collector, Tiruppur, has made arrangements for providing medical treatment with the assistance of Neurologists.



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5. Mr.M.Sureshkumar, learned Additional Advocate General filed the report of the District Collector, Tiruppur, dated 28.01.2025 and would submit that there is no Bank account in the name of KKM Foundation and the owner of the KKM Foundation, Mr.Zahir Hussain is having Bank account in his personal name. Therefore, the District Collector, Tiruppur, is not in a position to disburse the maintenance amount to the Foundation. The rent being collected from the tenants are kept by the District Collector, Tiruppur, in a separate account and the said accounts are to be regulated, enabling the District Collector to maintain the accounts properly and to pay the maintenance and other charges to the detenu. This Court has passed an order, stating that all the required facilities including medical treatment is to be provided to the detenu as sufficient rental revenue is coming in favour of the detenu from and out of the properties belong to him.

6. As of now, the detenu's Bank account remains in the name of the detenu/Mr.Ganesan Chidambaram at Karur Vysya Bank Limited, Mudalipalayam Branch, Tiruppur District (Account No.1777155000068890). The rental income and other revenue collected are deposited in the Bank account of the detenu, but the District Collector, Tiruppur, is not in a position to withdraw any amount for the



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purpose of meeting out the expenditure of the detenu.

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7. In view of the facts and circumstances, this Court is inclined to appoint the District Collector, Tiruppur, as a guardian for the purpose of maintaining the accounts of the detenu and to provide all facilities including medical treatment to the detenu. The District Collector, Tiruppur, for the purpose of dealing with the account and to maintain the detenu, shall appoint or delegate his powers to any other subordinate authority and the accounts and other details are to be maintained properly in accordance with law. The District Collector, Tiruppur or an officer authorized by him shall be included as a joint account holder in the above said account, which stands in the name of the detenu in Karur Vysya Bank Limited for effective transaction of money to maintain the detenu and to meet out his medical expenditure.

8. The District Collector, Tiruppur or his authorized officer is permitted to withdraw the amount from the account of the detenu and pay the same in the name of the owner of KMM Foundation Mr.Zahir Hussain for the purpose of maintenance of the detenu in the Home to meet out his other expenditure also. The



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District Collector, Tiruppur or the authorized representative shall withdraw money either by way of cash or through cheque to meet out the detenu's expenditure. In future, if any difficulty arises or a necessity arises to alienate the property or to sell the same, the District Collector, Tiruppur or his authorized officer shall approach the competent Forum/Court for the purpose of obtaining necessary orders to deal with the properties, money and other issues in relation to the affairs of the detenu.

9. The Criminal Case registered in Crime No.956/2024 under Sections 406, 420 I.P.C on the file of Tirupur South Police Station shall be monitored by the District Collector, Tiruppur and the Police authorities are directed to investigate the allegations effectively and prosecute the offenders by following due process of law. The Commissioner of Police / Superintendent of Police, Tiruppur City, as the case may be shall also monitor the investigation and the Criminal Case registered in Crime No.956/2024.

10. In the event of any dispute relating to the detenu's properties, finance or otherwise, the District Collector, Tiruppur or his authorized representative is empowered to defend the case of the detenu or institute cases/complaints before



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the competent Forum/authority in order to protect the interest of the detenu and his properties etc.,

11. The unnecessary visitors shall not be permitted by KMM Foundation to visit the detenu without the permission of the District Collector, Tiruppur or the authorized officer. In the event of any such complaint or intervention or interference, the District Collector, Tiruppur or his authorized representative is empowered to initiate all appropriate actions.

12. Consequently, the Habeas Corpus Petition stands disposed of.

[S.M.S., J.] [M.J.R., J.]

30.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To

1. The Superintendent of Police,
Tiruppur District, Tiruppur.



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2.The Inspector of Police,
Vellakoil Police Station,
Tiruppur District.

3.The Inspector of Police,
Usilampatty Taluk Police Station,
Madurai District.

4.The Superintendent of Police,
Madurai District.

5.The Commissioner,
Tiruppur City.

6.The District Collector,
Tiruppur District.

7.The Additional Public Prosecutor,
Madras High Court.



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