



H.C.P(MD) No.637 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

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Selvam Devasagayam

... Petitioner/
father of the detenu

-Vs-

The State of Tamil Nadu rep. by.,

1.The Superintendant of Police,
O/o.The Superintendant of Police,
Ramanathapuram District.

2.The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.

3.Nirmala @ Joseminsagaya Nirmala

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the petitioner's sons namely Sibipayas (aged about 20 years) and Casmir Manibharathi(aged about 16 years), S/o.Selvam Devasagayam, before this Court and set them at liberty.

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For Petitioner : Mr.A.Nawazkhan
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The present Habeas Corpus Petition has been filed by the father of the detenues seeking to produce the body or person of the petitioner's sons namely Sibipayas (aged about 20 years) and Casmir Manibharathi(aged about 16 years), S/o.Selvam Devasagayam, who are set to be in the custody of the third respondent, before this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.It is the case of the petitioner that the marriage between the petitioner and the third respondent was solemnized on 26.05.2003 at Alangara Annai Church, Paramakudi, and out of their wedlock, they were blessed with two children. Due to matrimonial dispute, the petitioner filed a divorce petition in IDOP No.49 of 2023 before the Principal District Judge, Ramanathapuram and the



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same was ordered on 23.02.2024. It is his further case that he has filed G.W.O.P.No.44 of 2024 before the District Court, Ramanathapuram, and the same was pending and the third respondent is evading service of summons and thereby apprehending danger to the life of the children, the present Habeas Corpus Petition is filed.

4.From the affidavit, it is seen that the children are aged about 20 and 16 years respectively and moreover, they are said to be in the custody of the mother, which cannot said to be an illegal custody. Further, G.W.O.P petition is also pending.

5.In view of the above, we do not find any merit in this petition, and hence, the Habeas Corpus Petition is dismissed. However, liberty is given to the petitioner to proceed with the G.W.O.P.

[A.D.J.C., J.] & [R.P., J.]
11.06.2025

NCC:Yes/No
Index:Yes/No
Ns



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A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

Ns

To

- 1.The Superintendant of Police,
O/o.The Superintendant of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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