

2022 SCC OnLine TS 2893

In the High Court of Telangana at Hyderabad
(BEFORE SHAMEEM AKTHER AND JUVVADI SRIDEVI, JJ.)

Jonnala Gadda Vinod ... Petitioner;

Versus

State of Telangana, Rep. by its Principal Secretary,
Home Department and Others ... Respondents.

Writ Petition No. 19540 of 2022

Decided on April 25, 2022

Advocates who appeared in this case:

Counsel for the Petitioner : Sri. Nageshwar Rao Pujari

Counsel for the Respondent Nos. 1 & 2 : the Advocate General

Counsel for the Respondent No. 3 : None Appeared

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of WRIT OF HABEAS CORPUS under Article 226 of Constitution of India directing the 2nd Respondent to produce Ramavath Meena, W/o. Jonnalagadda Vinod, D/o. Ramavath Srinu, Aged 18 years, Occ. Household, R/o. H. No. 2-49, Yarragunta Pally (Mandal), Mallapuram, Nalgonda, Telangana.-508243, who is now detained by 3rd Respondent illegally, before this Honourable Court and she shall be released forthwith after declaring her forcefully detention by the aid Respondent with the support of respondent no. 2 as illegal, unconstitutional, arbitrary and violation of the fundamental rights guaranteed under the Constitution of India.

The Order of the Court was delivered by

SHAMEEM AKTHER, J.:— This Writ Petition is filed by the petitioner seeking a Writ of Habeas Corpus to direct the respondent No. 2, to produce the alleged detinue, viz., Ramavath Meena, who is illegally detained by the respondent No. 3, before this Court.

2. Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Home appearing for the respondent Nos. 1 and 2 and respondent No. 3, who appeared in person and perused the record.

3. This Court, at the request of the learned Assistant Government Pleader for Home was pleased to list the case today enabling the respondent-police to produce the alleged detinue, viz., Ramavath Meena.

4. Today, the alleged detenué-Ramavath Meena is produced before this Court and this Court is pleased to interact with her. She stated that she is aged 18 years and above and completed Intermediate. She married the petitioner, viz., Jonnalagadda Vinod on 09.03.2022 at Arya Samaj, Hyderabad and a photocopy of marriage certificate to that effect is placed before this Court. She also stated to the Court that she is willing to live with her husband, the petitioner herein. She does not want to live with her parents. Her parents forcefully detained her with them.

5. Respondent No. 3-Ramavath Srinu is present in person before this Court and submitted that the petitioner is the brother of the alleged detenué by courtesy.

6. Here, it is apt to state that Habeas Corpus is a writ calling upon the person who has illegally/wrongfully detained another, to produce the latter before the Court, in order to let the Court know on what ground he/she has been detained, and to set him/her free if there is no legal justification for the detention. A writ of Habeas Corpus cannot be issued, when a person is not in illegal/unlawful detention.

7. As seen from the material placed on record, the name of father of the petitioner is 'Jonnalagadda Bichya' and the name of father of the alleged detenué is 'Ramavath Srinu'. Their surnames are different. As per the petitioner and the alleged detenué, they belong to different families. It is submitted by the alleged detenué that by courtesy, the father of the detenué as well as the father of petitioner are being called as brothers. Anyhow, it is for the competent Court to resolve the dispute between the parties and determine the same. As the alleged detenué intends to live with her husband, she is entitled to do so, Now, she is set at liberty. If the family members create any problem, the alleged detenué as well as the petitioner are entitled to lodge report with the police concerned. On filing such report, the police concerned shall provide adequate police protection to the alleged detenué and the petitioner.

8. With the above observations and direction, the Writ Petition is disposed of.

9. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.