

H.C.P. No. 2035 of 2020

M.M.SUNDRESH, J.
and
D.KRISHNAKUMAR, J.

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

The petitioner claiming to be the friend of the detenu has come forward to file this habeas corpus petition, *inter alia*, alleging that he is in the illegal custody of the third respondent, who is none other than his wife.

2.Mr.V.Parthiban, learned counsel appearing for the petitioner submitted that the third respondent is keeping the detenu under her illegal custody along with two other persons by forcibly giving treatment as if he is a drunkard. The condition of the detenu is precarious and he is not under the influence of alcohol at any point of time.

3.Mr.V.Anthony Elangovan Raj, learned counsel appearing for the third respondent submitted that the allegations are not true. The petitioner used to drink along with the detenu. The third respondent has to make sure that the detenu comes out of his habits and, therefore admitted him in a authorized de-addiction centre, Green Life Foundation (De-addiction cum Rehabilitation Center), Door No.1, Plot No.1 & 1A, Om Sakthi Nagar,

Valasaravakkam, Chennai 600 087 and at present he is taking treatment. Learned counsel has refuted the submission made by the learned counsel appearing for the petitioner with respect to the relationship of the third respondent with third parties and the consequential attempt that is being made to force him to sign the papers by transferring the property standing in his name to her.

4. Considering the submission made, particularly the allegations that the condition of the detenu is precarious as the life is in danger coupled with the further issue pertaining to his habits, we are inclined to appoint Ms.S.Lakshmi (Mobile No. 9445429674), No.138, Thambuchetty Street, Parrys Corner, Chennai. as the Advocate Commissioner to ascertain the aforesaid facts.

5. The Advocate Commissioner shall make an enquiry with the third respondent and the detenu and file a report by next Wednesday, i.e., 25.11.2020, before this Court. The report would also indicate the statement on enquiry from the De-addiction cum Rehabilitation Center as well. Needless to state that the report shall touch upon the habit of the detenu and his physical condition as well.

6.Learned counsel appearing for the petitioner is directed to pay the initial remuneration of Rs.10,000/- to the learned Advocate Commissioner.

Post the matter on 25.11.2020.

(M.M.S.,J.) (D.K.K.,J.)
20.11.2020

mimi/ssm

Note to Registry : Issue Warrant Today.



WEB COPY

**M.M.SUNDRESH, J.
and
D.KRISHNAKUMAR, J.**

mmi/ssm



HCP No. 2035 of 2020

WEB COPY

20.11.2020