

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30/12/2002

CORAM

THE HONOURABLE MR.JUSTICE V.S.SIRPURKAR  
AND  
THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

H.C.P.No.176 of 2002 and H.C.P. No.177 of 2002

H.C.P.No.176 of 2002

M.A.Ranganathan .. Petitioner

-Vs-

1. The Collector  
Salem District  
Salem.

2. The Revenue Divisional Officer  
Salem District  
Salem.

3. The Superintendent of Police  
Salem District  
Salem.

4. The Special Officer  
Bonded Labour  
Chennai.

5. Kaliyana Gounder

6. Smt.Parvathi

7. Murugan

8. Thanikkotti

9. P.Palinichamy

10. Nandakumar

11. Anandan

12. The Inspector of Police  
Central Crime Branch,

Salem District, Salem. .. Respondents

H.C.P.No.177 of 2002

M.A.Ranganathan .. Petitioner

Vs

1. The Collector  
Salem District  
Salem.

2. The Revenue Divisional Officer  
Salem District  
Salem.

3. The Superintendent of Police  
Salem District  
Salem.

4. The Tahsildar  
Salem District  
Salem.

5. Chinnakannu

6. Govindan

7. Palaniyappan

8. Dadayan

9. Palanivelu

10. Ramasamy

11. The Inspector of Police,  
Central Crime Branch,  
Salem District, Salem. .. Respondents

PRAYER: Petitions filed under Article 226 of the Constitution of India for issue of Writ of Habeas Corpus for the relief as stated therein.

For Petitioner : Mr.M.V.Muralidharan

For Respondents: Mr.A.Navaneethakrishnan  
Addl. Public Prosecutor  
for respondents 1 to 4 and 12  
in H.C.P.No.176 of 2002 and  
for respondents 1 to 4 and 11  
in H.C.P.No.177 of 2002

Mr.N.M.Manoharan  
for respondents 6 to 8  
in H.C.P.No.176 of 2002

:ORDER

(Order of this Court was made by V.S.SIRPURKAR,J.)

This order shall dispose of two Habeas Corpus petitions, namely H.C.P.Nos.176 and 177 of 2002. Both these petitions have been filed by one Mr.M.A.Ranganathan, son of Ayyavoo, describing himself as President, Salem District Mother Theresa Community Service Society, V.O.C. Nagar, Omalur Post, Salem District.

2. While in H.C.P.No.176 of 2002 there are about 7 persons joined as private party respondents, in H.C.P.No.177 of 2002 about 6 persons have been joined as private party respondents. The common allegation in both these writ petitions is that these party respondents have kept under themselves 24 bonded labourers (in H.C.P.No.176 of 2002) and 66 bonded labourers (in H.C.P.No.177 of 2002).

3. During the pendency of these petitions, this Court passed an order observing that this appeared to be a case of bonded labour and issued notice. The allegations made in the petitions were to the effect that the bonded labour were kept by these persons for working their handlooms. The Court directed thorough enquiry and after that enquiry a report has been placed before us, which is common to both the writ petitions. The report is signed by the Superintendent of Police, Salem District.

4. The report itself suggests firstly that the story of there being 24 bonded labourers (H.C.P.No.176 of 2002) and 66 bonded labourers (H.C.P.No.177 of 2002) is a myth, that the statements have been recorded from those alleged bonded labourers, whose names were given along with the two writ petitions. The report further reveals that some three persons including the present petitioner have collected addresses and had sought contributions from them to the tune of Rs.5000/- to Rs.6000/- each and promised them that they would get the loan of Rs.20,000/-, that is normally given to bonded labourers. The report says that the police officers had made an enquiry by directly recording the statement of these persons who are allegedly under the bondage. It is also pointed out that even the petition for 66 persons (H.C.P.No.177 of 2002) is a concocted one at the instance of one Thiru R. Krishnan and Tmt.Maheswari.

5. The learned Additional Public Prosecutor has the whole record with him to suggest that there is nothing like bonded labour much less in the case of the names cited in the petition nor there are any party respondents keeping any bonded labourers for their own work.

6. Under the circumstances, finding that the both the writ petitions

have absolutely no merit, we express our deep consternation of this tendency of filing the writ petitions in a most irresponsible manner and styling themselves as the representatives of some society. In fact, we have had in the report of the Police that these are all paper organisations without any work whatsoever. We find that this is a blatant misuse of judicial process. We saddle the petitioner with the cost of Rs.2000/- each in both the writ petitions. These writ petitions are dismissed.

Index : Yes

Internet : Yes

sasi

To:

1. The Collector  
Salem District  
Salem.
2. The Revenue Divisional Officer  
Salem District  
Salem.
3. The Superintendent of Police  
Salem District  
Salem.
4. The Special Officer  
Bonded Labour  
Chennai.
5. The Tahsildar  
Salem District  
Salem.
6. The Inspector of Police  
Central Crime Branch,  
Salem District, Salem.
7. The Public Prosecutor  
High Court, Madras.

□