



H.C.P(MD)No.1082 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.08.2021

CORAM:

**THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P.(MD) No.1082 of 2021

M.Kavin Thamizh

... Petitioner

-VS-

1.The Inspector of Police,
Kadaladi Police Station,
SH 29, Kadaladi,
Ramanathapuram – 623 03

2.The Superintendant of Police,
Kadampa Nagar,
Ramanathapuram – 623503.

3.Ramakirushnan

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detainee namely Revathi, aged about 23 years, who is now under the unlawful confinement of Respondent No.3, before this Court and set her at liberty.



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For Petitioner : Ms.Anisha Gupta
For R1 & R2 : Mr.S.Ravi
Standing counsel for the State
For R3 : Mr.K.Kumaravel

ORDER

(Order of the Court was made by V. BHARATHIDASAN, J.)

This Habeas Corpus Petition has been filed by the petitioner M.Kavin Thamizh, alleging illegal detention and confinement of the detinue viz., Revathi, aged about 23 years, by the 3rd respondent herein, who is the father of the detinue, and to produce the detinue before this Court and set her at liberty.

2. The brief facts, leading to filing of the present Habeas Corpus Petition, are as follows:-

(i) The petitioner was born as 'Lavanya', subsequently, identified as a Trans man. After getting Doctor's opinion, the petitioner has started hormone therapy. Thereafter, the petitioner changed his name as 'Kavin Tamizh' and also effected Gazette Notification to that effect. In the year 2018, the detinue Revathi connected with the



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petitioner and they came to get along with each other in due course. Petitioner also disclosed to the detenue about his gender as a “Trans man”. Thereafter, both the petitioner and the detenue entered into a relationship, which is both protected and permitted under the Constitution.

(ii). Both the petitioner and the detenue loved with each other and decided to continue their consensual relationship. At present, the petitioner is working in Chennai Metro (KCIC). In the meantime, on 27.04.2021, the detenue Revathi left her home, after sending letters to the Kadaladi Police Station and Superintendant of Police, Ramnadapuram, intimating that she left the parental home and wanted to lead a life of her own. The detenue joined the petitioner at Madurai and both of them left for Chennai. Now, the petitioner found accommodation for the detenue Revathi at Pallavaram Keezhakattalai Ladies Hostel.

(iii) Subsequently, on 08.05.2021, the parents of the detenue Revathi came along with Police officials, forcibly separated them and took the detenue Revathi along with them. Alleging that the actions of the respondent police is *exfacie* illegal and the detenue Revathi has



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been illegally detained by the 3rd respondent against her will, the present Habeas Corpus Petition is filed.

3. Earlier, on 11.08.2021, the respondent Police produced the detainee Revathi before this Court. On enquiry, she stated that she on her own, left with the petitioner and now, she is willing to go with the petitioner only. Since, the petitioner was not present, at request of the learned counsel for the petitioner, the matter was directed to be listed today and the detainee was sent to a home, as she was not willing to go with her father.

4. Today, petitioner, detainee Revathi and the father of the detainee, are present before this Court.

5. We have enquired both the petitioner as well as the detainee Revathi. They stated that they are living together for more than three years and the detainee Revathi also stated that she knowing fully well that the petitioner is a "Trans man", and she wanted to live with him. The petitioner also willing to take the detainee with him. The father of the detainee, who is present before this Court, opposed the above relationship.



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6. Therefore, considering the fact that the detainee Revathi is a major and she is willing to go with the petitioner, on her own volition, we set the detainee at liberty and permitted her to go along with the petitioner.

7. With the above directions, the Habeas Corpus Petition is closed.

[V.B.D.,J.] & [J.N.B.,J.]

13.08.2021

Index : Yes / No
Internet : Yes / No
MPK

Note :

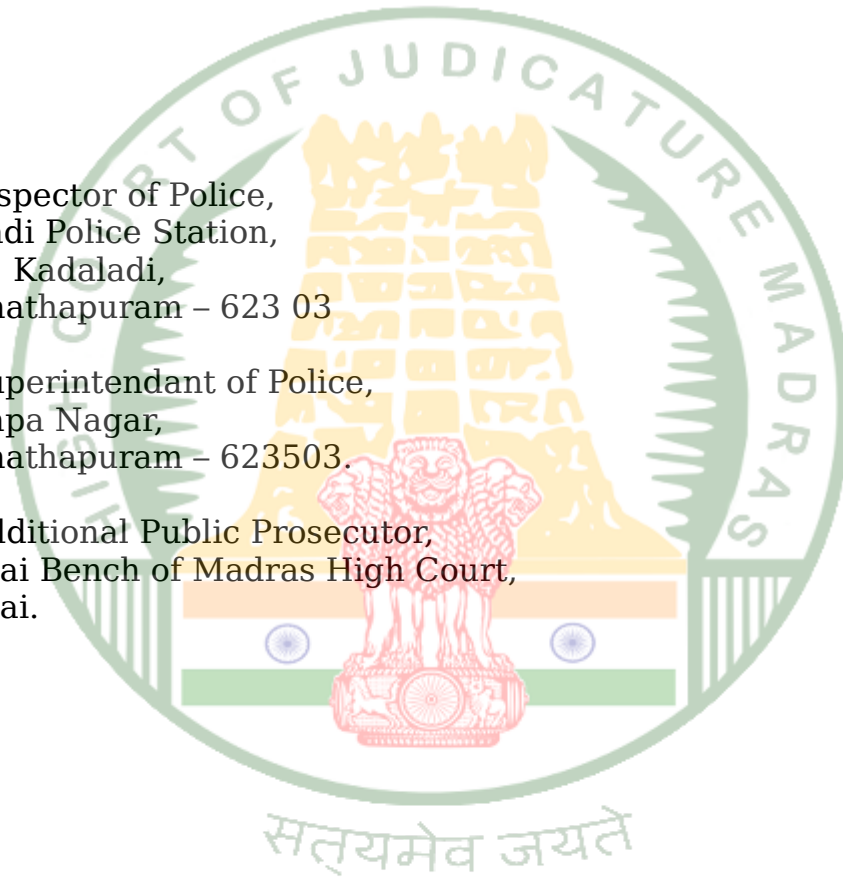
In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



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To

- 1.The Inspector of Police,
Kadaladi Police Station,
SH 29, Kadaladi,
Ramanathapuram – 623 03
- 2.The Superintendant of Police,
Kadampa Nagar,
Ramanathapuram – 623503.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



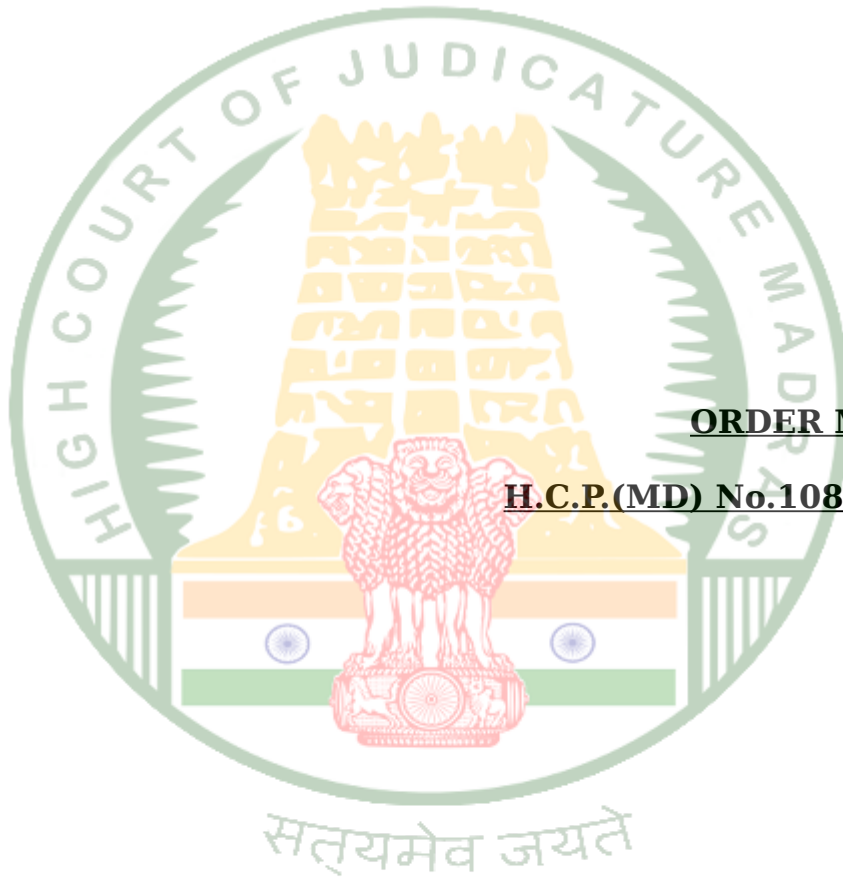
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V.BHARATHIDASAN, J.
and
J.NISHA BANU, J.

MPK



ORDER MADE IN
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