



CNR: KAHC010449662026

NC: 2026:KHC:42541-DB
WPHC No. 67 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION HABEAS CORPUS NO. 67 OF 2026

BETWEEN:

MRS. SHAISTA KHANUM
W/O MR. NADEEM KHAN
AGED ABOUT 31 YEARS
RESIDING AT NO.44/15
HSR LAYOUT, 6TH SECTOR
MASJID-E-AQSA, RAJIV GANDHI NAGAR
BANGALORE-560 068
KARNATAKA

...PETITIONER

(BY SRI: ASMA PASHA A, ADVOCATE [[ABSENT]])

AND:

1. MR. ABDUL HAI
AGED ABOUT 70 YEARS
R/AT NO.4/5, THALAVAIHALII VILLAGE
ERRANAHALLI, PALACODE
DHARMAPURI
TAMIL NADU
2. STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
HOME DEPARTMENT
VIDHANA SOUDHA
BENGALURU



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3. STATE OF TAMIL NADU
BY ITS PRINCIPAL SECRETARY
HOME DEPARTMENT
CHENNAI, TAMIL NADU
4. THE SUPERINTENDENT OF POLICE
DHARMAPURI DISTRICT
TAMIL NADU

...RESPONDENTS

(BY SRI: B N JAGADISH, SPP-1 A/W
SMT: NAVYA SHREE T G, ADVOCATE FOR R2 TO R4)

THIS WPHC IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF HABEAS CORPUS DIRECTING RESPONDENT NO.1 AND ALL PERSON ACTING UNDER HIM TO IMMEDIATELY PRODUCE THE MINOR CHILD MS.ATIYYA BEFORE THIS HON'BLE COURT.

THIS WPHC, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

There is no appearance for the petitioner.

2. We notice that the contention is to the effect that the petitioner's minor child born on 11.02.2020 is in the illegal custody of respondent No.1, who is the child's paternal



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grandfather. It is stated that the petitioner and the child were residents of Bengaluru. But the child was taken to respondent No.1's home during the Bakrid holidays in May, 2026 and has not returned to Bengaluru, inspite of request by the petitioner.

3. It is stated that the respondent No.1 had informed the petitioner that she could communicate with the child through video calls and may visit the child under his supervision, but would not be permitted to take the child back to Bengaluru. It is stated that during the petitioner's visit, she was not immediately allowed unrestricted access to her daughter and the child was produced after considerable delay and under the supervision and control of respondent No.1. Further, it is stated that though the petitioner had initiated admission enquiries for the child at a school in Bengaluru, the child has been admitted in a school in Tamil Nadu.

4. In the facts stated in the petition itself, it is clear that the dispute is with regard to custody of a minor child between the mother and the paternal grandfather and that the writ petition seeking a writ of Habeas Corpus on the ground



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that the child is under illegal detention, would not be maintained.

5. Accordingly, this Writ Petition (Habeas Corpus) is ***closed***, without prejudice to the contentions of the parties and their rights to move the appropriate forum, in accordance with law.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

BGN
List No.: 2 Sl No.: 1