

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NOs: 19723 & 19573 of 2026

WRIT PETITION NO: 19723 OF 2026

Between:

Smt. Roja Rani Iza, D/o. IZA Pushpa Raju Aged 29 years, Occupation Senior Software Engineer, R/o H.No.3-100/3, Plot No.34, Sai Balaji Nagar, Yenkepally Panchayat, Moinabad, Ranga Reddy District, Telangana.

...PETITIONER

AND

1. The State of Telangana, Rep by its Prl Secretary, Women Development and Child Welfare Department, Telangana.
2. The Chairperson Child Welfare Committee, CWC Located at H.No.8-3-222, Vengal Rao Nagar, Ameerpet, Hyderabad.
3. The Station House Officer, SHO Moinabad Police Station, Future City, Ranga Reddy District.
4. Sri Bathula Veera Manikanta Ravi Kumar @ Bathula Ravi Kumar, S/o Bathula Ram Prasad Rao, Aged 30 years, Occupation Gym Trainer, R/o. House No.3-100/3, Plot No.34, Sai Balaji Nagar, Moinabad, Ranga Reddy District.

...RESPONDENTS

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 order or direction more particularly in the nature of Writ of Mandamus Hon'ble Court may be pleased to issue an order or direction more particularly in the nature of Writ of Mandamus declare the action of respondent No.2 by illegally taking custody of Minor Child Master Bathula Kairav, aged about 4 ½ years, LKG from the petitioner who is the natural guardian and handing over the child to the respondent

No.2 without any lawful authority and inspite of petitioner's representation for not releasing the child of the petitioner from the custody of 2nd respondent is illegal and arbitrary without jurisdiction and consequent direction to direct the respondent No.2 to consider the representation dated 20-06-2026 release and handover the custody the petitioner's Child Master Bathula Kairav aged about 4 ½ years LKG to the petitioner who is the natural guardian with immediate effect for the welfare of the child.

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No.2 to consider the petitioner's representation release and handover the custody the petitioner's Child Master Bathula Kairav aged about 4 ½ years, LKG to the petitioner who is the natural guardian with immediate effect for the welfare of the child pending disposal of writ petition.

Counsel for the Petitioner: SRI GANDYADAPU RAJESHAM

Counsel for the Respondent No.1 & 2: GP FOR WOMEN DEV CHILD WELFARE

**Counsel for the Respondent No.3: SRI SRIDHAR BHUVANAGIRI,
AGP FOR HOME**

WRIT PETITION NO: 19573 OF 2026

Between:

SRI BATHULA VEERA MANIKANTA RAVI KUMAR, S/o Bathula Ram Prasad Rao, aged about 39 years, Occ Fitness Instructor, R/o. H.No.3-100/34, Plot No.34, Sai Balaji Nagar, under Yenkepalli Panchayat, Moinabad, Ranga Reddy District, Telangana.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Women Development and Child Welfare Department, Secretariat, Hyderabad.
2. The Director, Women Development and Child Welfare Department, Located at H.No.8-3-222, Vengal Rao Nagar, Ameerpet, Hyderabad.
3. The Integrated Child Protection Services ICPS, Shishuvihar State Home, Located at H.No.8-3-222, Vengal Rao Nagar, Ameerpet, Hyderabad.
4. The Commissioner of Police, Cyberabad Future City, Ranga Reddy District.

5. The Station House Officer, Moinabad Police Station, Moinabad, Ranga Reddy District.
6. Smt Roja Rani Iza, W/o Bathula Veera Manikanta Ravi Kumar, aged about 29 years, Occ Software Engineer, R/o Amrutha Womens Hostel, Near Tech Mahindra, Madhapur, Near KPHB Colony, Serlingampally, Medchal-Malkajgiri District.

The Respondent No.6 is formally made as a party to this writ petition

...RESPONDENTS

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 a Writ Order or orders more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondent No.5 in forcefully and illegally taking custody of the minor child Master Bathula Kairav from the Petitioner and handing over the child to the Respondents No.2 AND 3 without any lawful authority as illegal arbitrary violative of the principles of natural justice violative of Article 14 of the Constitution of India and consequently direct the Respondents No.2 AND 3 to immediately release and handover the minor child Master Bathula Kairav to the Petitioner.

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents No.2 & 3 to immediately release and handover the minor child Master Bathula Kairav to the Petitioner pending disposal of this writ petition.

Counsel for the Petitioner: Ms. CHALASANI DEEPTHI

Counsel for the Respondent No.1 & 2: GP FOR WOMEN DEV CHILD WELFARE

**Counsel for the Respondent No.3 to 5: SRI SRIDHAR BHUVANAGIRI,
AGP FOR HOME**

The Court made the following: COMMON ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

W.P.Nos.19723 & 19573 OF 2026

DATED : 23.06.2026

W.P.No.19723 of 2026 :

Between:

Smt. Roja Rani Iza

... Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Women Development & Child Welfare
Department, Hyderabad & 3 others

... Respondents

W.P.No.19573 of 2026 :

Between:

Sri Bathula Veera Manikanta Ravi Kumar

... Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Women Development & Child Welfare
Department, Hyderabad & 5 others

... Respondents

COMMON ORDER:

Heard Sri G.Rajesham, learned counsel appearing on behalf of the petitioner in W.P.No.19723 of 2026 and Ms. Chalasani Deepthi, learned counsel appearing on behalf of the petitioner in W.P.No.19573 of 2026, learned Government Pleader for Women Development and Child Welfare, appearing on behalf of Respondent Nos. 1 and 2 in W.P.No.19723 and W.P.No.19573 of 2026 and Sri Sridhar Bhuvanagiri, learned Assistant Government Pleader appearing on behalf of Respondent No.3 in W.P.No.19723 of 2026 and Respondent Nos. 3 to 5 in W.P.No.19573 of 2026.

2. The petitioner in W.P.No.19723 of 2026 approached this Court seeking the prayer as under:

"...to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declare the action of respondent No.2 by illegally taking custody of Minor Child Master Bathula Kairav, aged about 4 ½ years (LKG) from the petitioner who is the natural guardian and handing over the child to the respondent No.2 without any lawful authority and in spite of petitioner's representation for not releasing the child of the petitioner from the custody of 2nd respondent is illegal and arbitrary without jurisdiction and consequent direction to direct the respondent No.2 to consider the representation dated 20.06.2026, release and handover the custody of the

petitioner's Child Master Bathula Kairav, aged about 4 ½ years (LKG) to the petitioner who is the natural guardian with immediate effect for the welfare of the child and pass..."

3. The petitioner in W.P.No.19573 of 2026 approached this Court seeking the prayer as under:

"...to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus by declaring the action of respondent No.5 in forcefully and illegally taking custody of the minor child, Master Bathula Kairav from the petitioner and handing over the child to the Respondents No.2 & 3 without any lawful authority as illegal, arbitrary, violative of the principles of natural justice, violative of Article 14 of the Constitution of India and consequently, direct the Respondents 2 and 3 to immediately release and handover the minor child, Master Bathula Kairav to the petitioner and be pleased to pass any other order..."

4. The case of the petitioner in brief as per the averments made in the affidavit filed by the petitioner in support of the W.P.No.19723 of 2026, is as under:

The marriage between the petitioner and the 4th respondent herein was solemnized on 14.06.2020 at Moinabad, as per Hindu rites and customs and out of their wedlock, they were blessed with a child, Master Bathula Kairav, born on 29.09.2021 who is currently 4 years and 8 months old. The

petitioner purchased an open Plot No.34 admeasuring 284 Sq. Yds situated at Yenkapally Village, Moinabad with the petitioner's hard earned money and loan and constructed a duplex house.

It is further the case of the petitioner that petitioner is the natural mother of petitioner's minor child Master Bathula Kairav born out of her wedlock with the 4th respondent herein. The respondent No.4 dispossessed the petitioner out of petitioner's own house and denied access to the petitioner's minor child. Due to continuous harassment of the 4th respondent and his parents, the petitioner gave a complaint before the Respondent No.3 and the police after enquiry, registered a crime for the offence under Section 85 r/w 3(5) BNS, 2023 and Section 4 of the Dowry Prohibition Act. Consequently, after investigation, the police filed a charge sheet against the respondent No.4. **When the petitioner went to take the child from the school, the school authorities handed over the child to the respondent No.3 and gave custody of the child to respondent No.2.** The petitioner submitted a detailed representation dated 20.06.2026 to the 2nd respondent seeking release of the child, but the same was not considered by the 2nd respondent.

Aggrieved by the same, the petitioner filed the present writ petition.

5. The case of the petitioner in brief as per the averments made in the affidavit filed by the petitioner in support of the W.P.No.19573 of 2026, is as under:

The petitioner herein married the 6th respondent on 14.06.2020 as per Hindu Rites and Customs and it was a Love marriage. But it was portrayed as an arranged marriage with the consent of the elders. Out of the wedlock between the petitioner and 6th respondent a male child named Master Bathula Kairav is born on 29.09.2021. The petitioner is the natural and biological father of the child and the petitioner is taking care of the child since his birth to till as on date by providing all necessary facilities by imparting proper education, food, shelter and other curricular activities for the child growth and the minor child is staying in a happy family with grandparents. The respondent Nos.2 and 3 without any *locus standi* and without any lawful authority took the minor child from them on 18.06.2026 and they are not even allowing the minor child to meet the

petitioner. Aggrieved by the same, the petitioner approached this court by filing the present writ petition.

PERUSED THE RECORD

DISCUSSION AND CONCLUSION:-

6. Learned Government Pleader appearing on behalf of The Chairperson, Child Welfare Committee (CWC) based on the written instructions furnished by the Sub-Inspector of Police, Moinabad Police Station, Future City Commissionerate, mainly puts forth the following submissions:

(i) On 18.06.2026 evening, the Administrative Officer Mr.Chandrasekhar of Sujatha School, Nagireddyguda, Moinabad, brought the petitioner's minor son and handed over the custody of the minor boy stating that the minor boy's mother who is the petitioner in W.P.No.19723 of 2026 and paternal grandmother of the child visited the school and quarreled with each other and created nuisance in the school with regard to the custody of the minor boy.

(ii) The Station House Officer, Moinabad Police Station, Future City Commissionerate, counselled them, but they did not

come to a consensus and both of them claimed custody of the minor boy.

(iii) Under those circumstances, the Station House Officer, Moinabad Police Station, Future City, Rang Reddy District, having no other option, referred the matter to the Child Welfare Committee, Ranga Reddy District, Madhura Nagar Metro Station, Ameerpet, Hyderabad.

(iv) The Child Welfare Committee in turn directed the Shishuvihar, Near Saradhi Studio, State Home Premises, Yousufguda, Hyderabad to admit the minor boy in their home and ever since 18.06.2026 the minor boy is staying at the said Home.

7. The learned counsel appearing on behalf of the petitioner in W.P.No.19723 of 2026 mainly puts forth the following submissions:

(i) The Child Welfare Committee has no power or authority to take custody of the minor child Master Bathula Kairav.

(ii) Even as per the provisions of the Juvenile Justice (Care and Protection of Children) Act, when the natural parents

are alive, the official respondents cannot have the custody of the minor child and the action of the child welfare committee in taking custody of the minor child Master Bathula Kairav illegally, is opposed to the principles of natural justice and also the provisions of the Act.

8. A bare perusal of record indicates that the petitioner in W.P.No.19723 of 2026 had addressed a representation dated 20.06.2026 to the Child Welfare Committee, Madhura Nagar, Ameerpet, Ranga Reddy District, seeking release of the minor child from the custody of the child welfare committee contending that the minor child Master Bathula Kairav, who is a 4 year old, L.K.G. student at Sujatha International School, Moinabad, needs a regular school attendance since the child is put to mental trauma, specifically contending that under Section 6(A) of Hindu Minority and Guardianship Act in the case of minor child below the age of five years the custody of the child shall ordinarily be with the mother.

9. This Court on perusal of the record takes note of the fact that the representation dated 20.06.2026 of the mother i.e., the petitioner in W.P.No.19723 of 2026, as having been

acknowledged by the 2nd respondent in W.P.No.19723 of 2026 and in view of the fact that the minor child is 4 ½ years old and keeping in view the welfare of the minor child namely Master Bathula Kairav, which is of paramount significance, this Court opines that the writ petitions need to be disposed of directing the 2nd respondent to consider the grievance of the petitioners as put forth in W.P.No.19723 of 2026 and W.P.No.19573 of 2026, in accordance to law, in conformity with principles of natural justice by providing an opportunity of personal hearing to the petitioners in W.P.No.19723 and 19573 of 2026, and all concerned and decide the subject issue within a reasonable period. It is contended that petitioner in W.P.No.19573 of 2026 also represented to the Chairperson Child Welfare Committee (CWC), Vengal Rao Nagar, Ameerpet, Hyderabad but the said representation is not on record and the same is even disputed by the learned Government Pleader appearing on behalf of the respondents.

10. TAKING INTO CONSIDERATION:

a) The aforesaid facts and circumstances of the case,

b) The submissions made by the learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the respondents,

c) The discussion and conclusion as arrived at Para Nos.6 to 9 of the present order,

The writ petitions W.P.No.19723 of 2026 and W.P. No.19573 of 2026 are disposed of directing the 2nd respondent to consider the grievance of the petitioner in W.P.No.19723 of 2026 and also in W.P.No.19573 of 2026 as put forth by the petitioner in W.P.No.19723 of 2026 and also in her representation dated 20.06.2026 pertaining to the release of the minor child Master Bathula Kairav, from the custody of Shisuvihar, near Saradhi Studio, State Home Premises, Yousufguda, Hyderabad, and handing over the custody of the said Minor Child i.e., Master Bathula Kairav to the petitioner in W.P.No.19723 of 2026 and also the grievance of the petitioner as put forth in W.P.No.19573 of 2026, keeping in view the welfare and interest of the child, within one (01) week from the date of receipt of a copy of the order, in

accordance to law, inconformity with principles of natural justice by providing an opportunity of personal hearing to the petitioner in W.P.Nos.19723 of 2026 and also petitioner in W.P.No.19573 of 2026 and others concerned and take an appropriate decision deciding the subject issue. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Petition, shall stand closed.

**SD/- M. OSMAN ALI BAIG
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Women Development and Child Welfare Department, Secretariat, Hyderabad, State of Telangana.
2. The Director, Women Development and Child Welfare Department, Located at H.No.8-3-222, Vengal Rao Nagar, Ameerpet, Hyderabad.
3. The Chairperson Child Welfare Committee, CWC Located at H.No.8-3-222, Vengal Rao Nagar, Ameerpet, Hyderabad.
4. The Integrated Child Protection Services ICPS, Shishuvihar State Home, Located at H.No.8-3-222, Vengal Rao Nagar, Ameerpet, Hyderabad.
5. The Commissioner of Police, Cyberabad Future City, Ranga Reddy District.
6. The Station House Officer, SHO Moinabad Police Station, Future City, Ranga Reddy District.
7. One CC to SRI GANDYADAPU RAJESHAM, Advocate [OPUC]
8. One CC to Ms. CHALASANI DEEPTHI, Advocate [OPUC]
9. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
10. Two CCs to GP FOR WOMEN DEV CHILD WELFARE, High Court for the State of Telangana at Hyderabad [OUT]
11. Two CD Copies

BSR

TKS



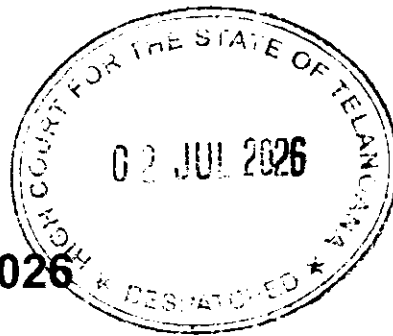
CC TODAY

HIGH COURT

DATED: 23/06/2026

COMMON ORDER

WP.Nos.19723 & 19573 of 2026



**DISPOSING OF BOTH THE WRIT PETITION's,
WITHOUT COSTS**

15 (S.R.)
2/7/26