

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.2623 of 2015

S.P.N.Lakshmikanthan

.. Petitioner

Vs.

- 1.State represented by
The Superintendent of Police,
Villupuram, Villupuram District.
- 2.The Deputy Superintendent of Police,
Thirukovilur, Villupuram District.
- 3.The Inspector of Police,
Thirupalapanthal Police Station,
Thirupalapanthal,
Villupuram District.
- 4.S.Dhurgadevi
- 5.S.Jamuna

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the 4th and 5th respondents herein to produce the body of the petitioner son/detenu child Siddarth, aged about 3 years, before this Court from the illegal custody of the 4th and 5th respondents herein and hand over the custody to the petitioner and set him at liberty.

For Petitioner : Mr.N.Kumanan

For Respondents-1 to 3 : Mr.A.N.Thambidurai
Additional Public Prosecutor

For Respondents-4 & 5 : Mr.T.Sellapandian

ORDER

[Order of the Court was made by S.TAMILVANAN, J.]

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for respondents 1 to 3 and learned counsel for respondents 4 and 5.

2.This petition has been filed by the petitioner/father of the detenu/minor child, Siddharth, aged about 3 years, to cause production of the detenu, before this Court and handed over the custody to the petitioner.

3.It is an admitted fact that the petitioner is the father and the fourth respondent is the mother of the minor child Siddharth. On the aforesaid circumstances, the petitioner cannot say that the child is under illegal custody of the mother.

4.Learned counsel for the petitioner submits that the child is with the fifth respondent, who is sister of the fourth respondent and the fourth respondent is interested in getting appointment through UPSC, but it is not an illegal act and further it is brought to the notice of this Court that HMOP is pending before the Principal Sub Court, Villupuram. On the aforesaid circumstances, we make it clear that the parties shall workout their remedy before the appropriate forum. However, for interim arrangement, we direct the fourth respondent to permit the petitioner to meet the minor child Siddharth on every Sunday between 8.00 a.m. to 12.00 Noon until further orders.

5.In view of the above observations, this Habeas Corpus Petition is ordered.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The Superintendent of Police,
Villupuram, Villupuram District.

2.The Deputy Superintendent of Police,
Thirukovilur, Villupuram District.

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3.The Inspector of Police,
Thirupalapanthal Police Station,
Thirupalapanthal,
Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.N.Kumanan, Advocate, sr.58930

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SV CO
kra 03/11/2015



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