

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

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WRIT PETITION No.22926 OF 2016

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ORDER
(per Hon'ble Sri Justice Sanjay Kumar)

The petitioner, the father of Darisi Naga Sahitya, filed this writ petition seeking a Writ of Habeas Corpus to produce his daughter from the custody of respondents 6 and 7.

When the matter was taken up for hearing by this Court on 20.07.2016, the petitioner's daughter was present in Court and this Court interacted with her. Taking note of the fact that she had several grievances against her father, this Court directed the official respondents to take her to Prajwala Children Protection Home run by Padmasree Smt. Sunitha Krishnan, who was also requested to interact with the girl and submit a report. The report in terms of the said order was placed before this Court on 27.07.2016 and this Court directed the official respondents to produce the petitioner's daughter before this Court again on the next date of hearing and adjourned the matter to 03.08.2016.

On 03.08.2016, the petitioner's daughter was present in Court and *in camera* proceedings were held by this Bench to interact with Darisi Naga Sahitya and also her father, the petitioner herein. Taking note of the willingness of Darisi Naga Sahitya to go back to her father and her disinclination to continue to stay at Prajwala Children Protection Home, this Court permitted her to go back with her father and in the meanwhile, impleaded Chilakala Venkat Rao and Chilakala Rajyalakshmi, the relations of Darisi Naga Sahitya. The matter was adjourned to 17.08.2016. But, on the said date, neither Chilakala Venkat Rao nor Chilakala Rajyalakshmi appeared before the Court. Darisi Naga Sahitya was however present in the Court and appeared to be unhappy and on the verge of tears. The matter, in the first instance, was adjourned to enable Pallapothu Srinivasa Rao, the sixth respondent, to secure the presence of Chilakala Venkat Rao and Chilakala Rajyalakshmi.

However, after the matter was adjourned, Darisi Naga Sahitya was heard crying loudly in the corridor and the Court was informed that this was due to her father hitting her. Thereupon, this Court again held *in camera* proceedings with Darisi Naga Sahitya, her father, Darisi Koteshwara Rao and Pallapothu Srinivasa Rao, the sixth respondent. Darisi Naga Sahitya informed the Court that she was being ill-treated by her father at home and was also being subjected to physical violence. A detailed order was passed by this Court recording the events that took place on the said day and the earlier order dated 03.08.2016 was revoked whereunder her custody was given to her father.

As the petitioner's daughter informed the Court that she was in the custody of the sixth respondent, who was also a relation, for about two months prior to her being sent to Prajwala Children Protection Home and that she was left at the house of the sixth respondent by none other than her father, this Court deemed it appropriate to entrust her custody to the sixth respondent who also undertook that he would take good care of her and protect her. The sixth respondent further informed the Court that Sidda Subba Rao, the husband of the paternal aunt of Darisi Naga Sahitya, was willing to come before this Court keeping in mind the interest of the girl and undertook to produce him before this Court on the next date of hearing. Sidda Subba Rao was accordingly impleaded as the tenth respondent in this writ petition *suo motu* and the matter was adjourned to 24.08.2016.

Today, the petitioner, his daughter, Pallapothu Srinivasa Rao, the sixth respondent, and Sidda Subba Rao, the tenth respondent, are present before this Court. Sidda Subba Rao confirmed that he is the husband of the paternal aunt of Darisi Naga Sahitya and that he is willing to keep her in his custody and take care of her till she attains majority and is able to care for herself.

Though the petitioner would contest that Sidda Subba Rao has anything to do with him and that the custody of the girl should be given to the maternal relations of Darisi Naga Sahitya, Sidda Subba Rao confirmed that the petitioner's sister is married to him. Darisi Naga Sahitya also confirmed this fact and expressed her willingness to go with her paternal aunt's

husband, Sidda Subba Rao. She further stated that she is interested in pursuing her education and that her books and clothes are still in the custody of her father, the petitioner herein.

We therefore permit Darisi Naga Sahitya to go along with Sidda Subba Rao and collect her belongings and books from the house of the petitioner. The petitioner shall not cause any hindrance in this regard and it would be open to Darisi Naga Sahitya and Sidda Subba Rao, the tenth respondent, to avail local police assistance, if required, to secure the custody of the belongings and the books. The local police are hereby directed to ensure proper compliance with and implementation of this order.

This Court is of the considered opinion that this is in the best interest of Darisi Naga Sahitya who is to attain majority shortly. This Court finds no merit in the claims put forth by the petitioner, the father of Darisi Naga Sahitya, as he failed to demonstrate any real interest or intention to protect his daughter and take care of her.

The writ petition is disposed of accordingly. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M.SEETHARAMA MURTI, J

24th AUGUST, 2016

PGS