

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 6014 OF 2016

11-04-2016

Between:

Chappidi Kantaveni

... Petitioner

And

The State of Andhra Pradesh, Home Department, rep., by its Principal
Secretary, Secretariat, Hyderabad and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT PETITION No. 6014 OF 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This Habeas Corpus writ petition is filed by the grandmother alleging that her grandchild has been illegally detained by respondent No.3. Admittedly, mother of the child is not in India since September, 2015 and the child is in the custody of father who is respondent No.3 in the petition. In view of these admitted facts, we are of the prima facie opinion that respondent No.3 and his parents cannot be said to have illegally detained the child Lakshmi Akshara. In the circumstances, we are not inclined to entertain this writ petition.

Writ petition is disposed of. Disposal of the writ petition however shall not preclude the petitioner or the mother from approaching appropriate Court for custody of the child or access to the child in the absence of mother. While passing this order, it is made clear that we have not examined rights of the parties as to who is entitled for custody of the child. The appropriate Court may deal with the matter on merits, in accordance with law if any petition seeking custody or any other relief regarding the child is filed by either of the parties.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

11-04-2016
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