



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.03.2017**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
H.C.P. (MD) .No.396 of 2017

V.Alagammal

: Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District.

2.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.

3.Rajangam.

: Respondents

PRAYER:Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying directing the respondents 1 and 2 to produce the body or person of detainee of the petitioner's granddaughter namely Vijayasree D/o.Shanthi aged about 5 years from the illegal custody of the respondent No.3 and hand over to custody of the petitioner.

For Petitioner

: Mr.K.G.Arun Kumar

For Respondents

: Mr.C.Ramesh for R1 and R2

Additional Public Prosecutor

O R D E R

[Order of the **MR.JUSTICE T.S.SIVAGNANAM**]

The petitioner is the grand mother of the minor girl child, Vijayasree, daughter of late Shanthi. According to the petitioner, the third respondent, the father of the detainee, has taken away the child. Admittedly, the third respondent, the father of the child is a natural guardian, since the mother is no more. Therefore, if the petitioner claims guardianship over the child, then the remedy for the petitioner lies before a different forum and the present habeas corpus petition is misconceived. Hence, the petition stands dismissed. However, it is open to the petitioner to move the appropriate Court for necessary relief.

Sd/-

Assistant Registrar

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Sub-Assistant Registrar



To

1. The Superintendent of Police,
Pudukkottai District.

2. The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.

Jikr/tsg

MAS/SV-MMS:23.03.2017:2P-3C

ORDER MADE IN
H.C.P. (MD) .No.396 of 2017
15.03.2017