

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE Ms. JUSTICE J. UMA DEVI

WRIT PETITION NO.18088 OF 2017

DATED:07-06-2017

Between:

Shrivarasi Raghavender
and another

... Petitioners

And

The State of Telangana
Through its Principal Secretary
Home Department
Secretariat
Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. B. Vijaysen Reddy

COUNSEL FOR RESPONDENT NOS.1 to 4: Assistant Government
Pleader, Attached to the
Office of the
Advocate General (TS)

COUNSEL FOR RESPONDENT NOS.5 and 6: -

THE COURT MADE THE FOLLOWING:

ORDER: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for issue of habeas corpus directing respondent Nos.3 and 4 to produce the daughter of the petitioners, by name, Shivarasi Vedhasri (the alleged detainee), aged 19 years, before this Court and release her from the clutches of respondent Nos.5 and 6.

At the hearing, the alleged detainee has appeared and informed the Court that she is a major and she has willingly married respondent No.5 and that she is staying with him along with his parents on her own volition and out of her free will.

Mr. B. Vijaysen Reddy, learned counsel for the petitioners, submitted that as respondent No.5 is only 18 years of age, his purported marriage with the alleged detainee is illegal, if not void, and that therefore respondent No.5 cannot retain the custody of the alleged detainee.

As the scope of writ of habeas corpus is confined to adjudicating as to whether the alleged detainee is in the illegal custody of any person or not, it is not possible for this Court to decide as to whether in law respondent No.5 is entitled to live with the alleged detainee. The petitioners being the parents of the alleged detainee are always entitled to avail appropriate common law remedies for taking back her custody. Subject to this liberty given to the petitioners as above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.22082 of 2017 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

J. UMA DEVI, J

07-06-2017
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