

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.04.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

H.C.P.No.642 of 2018

T.Sundaram

.. Petitioner

Vs.

1. Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyampet, Chennai - 600 011

2. The Inspector of Police,
F-3, Police Station,
Nugambakkam,
Chennai - 600 034.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Habeas Corpus to direct the Respondents to produce Petitioner's grand daughter namely, Ms.Lidiya Reeta Anjaline aged about 10 years, who are in illegal custody of Mrs.Emalta Rani before this Court and set her at liberty.

For Petitioner : Mr.J.Prakasam

For Respondents : Mr.R.Ravichandran
Additional Public Prosecutor

O R D E R

[Order of the Court was made by R.HEMALATHA, J.]

The petitioner, viz., T.Sundaram, has filed the present Writ of Habeas Corpus Petition directing the respondents to produce his grand daughter, viz., Ms. Lidiya Reeta Anjaline, aged 10 years, who, according to him, is presently in the illegal custody of Mrs.Emalta Rani, mother of the child.

2. In the affidavit filed along with the petition, the petitioner, T.Sundaram has contended that his grandchild, Ms.

Lidiya Reeta Anjaline, aged 10 years was born to his son, namely, Subash Chandra Bose. According to him, he looked after his grandchild since her mother abandoned her when she was just 60 days old. He has further averred in his affidavit that her mother forcibly took the child from the custody of the petitioner when she was 7 years and is also not taking proper care of the child.

3.Today, the child, namely Ms. Lidiya Reeta Anjaline was produced before this Court. When this Court enquired her, she stated that she is studying in V Standard at Arputharaj Matriculation Higher Secondary School, Choolaimedu, Chennai. She further contended that she was with her grandfather till the age of 5 years and later on, her mother took her to her house. She also averred that she does not know the whereabouts of her father and that she is now happily residing with her mother. She specifically contended that she would like to stay with the mother.

4. It is pertinent to point out that the petitioner, in the instant case, is the grandfather of the child, namely Ms. Lidiya Reeta Anjaline, aged 10 years. The mother of the child also informed this Court that her husband is not with her. In the absence of the father, the mother is the natural guardian and since the girl child is aged 10 years, the custody of the child cannot be given to the petitioner, T.Sundaram, who is the grandfather of the child. Hence, the grand daughter of the petitioner, namely, Ms. Lidiya Reeta Anjaline is permitted to go along with her mother, namely Mrs.Emalta Rani.

In the result, the present Habeas Corpus Petition is devoid of merits and the same is dismissed.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

ssd

To

1. Commissioner of Police,
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EVK Sampath Raod, Vepery,
Periyampet, Chennai - 600 011

2. The Inspector of Police,
F-3, Police Station,
Nugambakkam,
Chennai - 600 034.

3. The Public Prosecutor,
High Court, Madras

H.C.P.No.642 of 2018

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