

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY  
AND  
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Writ Petition No.4678 of 2018

DATED:14-02-2018

Between:

Ambadi Subhas

... Petitioner

And

State of Telangana

Rep. by its Chief Secretary to Government

General Administration (Law & Order) Dept.,

Secretariat, Hyderabad

and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Rastrapal

COUNSEL FOR THE RESPONDENTS: Asst. Government  
Pleader, attached to  
the Office of the  
Advocate General  
(TS)

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 the Police to take the custody of the minor child, Ambadi Vamshi, from respondent Nos.4 and 5 and hand him over to the petitioner.

A perusal of the record shows that by order dt.16.10.2017 in G.&W.O.P. No.4 of 2016, the Principal District Judge, Karimnagar, has directed respondent Nos.4 and 5 to handover the custody of the minor child subject to the petitioner depositing a sum of Rs.10,00,000/- in the name of the ward in any nationalized bank. Mr. Rastrapal, learned counsel for the petitioner, submitted that in spite of the said order of the District Court, respondent Nos.4 and 5 have not handed over the custody of the child to the petitioner.

In our opinion, this writ petition is in the nature of a petition for execution of order in G.&W.O.P. No.4 of 2016. It is not in dispute that the order passed in the said O.P. is executable under the Guardian and Wards Act, 1890 read with the Code of Civil Procedure, 1908. Instead of availing the said remedy, the petitioner has filed this writ petition, which, in our opinion, is wholly misconceived.

Hence, the writ petition is dismissed, leaving the petitioner free to avail appropriate legal remedy for execution of the order of the District Court, Karimangar.

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C.V. NAGARJUNA REDDY, J

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GUDISEVA SHYAM PRASAD, J

14-2-2018

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