

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

W.P.No.7747 of 2019

Date: 01.07.2019

Between:

Sivarala Suvarna

...Petitioner

and

The State of Telangana,
Rep. by its Principal Secretary,
Department of Home,
Secretariat Buildings,
Hyderabad, and others.

...Respondents

Counsel for the petitioner: Mr.Kotha Manikanteswara Rao

**Counsel for the respondents: Mr. Santosh Kumar
GP for Home**

The Court made the following:

ORDER: *(per Hon'ble Sri Justice Raghvendra Singh Chauhan)*

Mrs.Sivarala Suvarna, the petitioner, has filed this Habeas Corpus Petition ostensibly on the ground that her son, namely, Baigalla Arjun, S/o. late Sattaiah, is being illegally detained by the respondent No.8, namely, Baigalla Anasuya, and the respondent Nos.9 and 10, namely, Baigalla Vijay and Baigalla Kumar.

In compliance of the order dated 27.06.2019, the police personnel of Sultan Bazar Police Station have produced Baigalla Arjun, the detenu, before this Court.

This Court has spoken to Arjun. Arjun informs this Court that he is fourteen years old. When he was about two years old, his biological mother, the petitioner, left the matrimonial home, and abandoned him to live with his father. He has lost his father about five years ago. While his father was alive, his father had married the respondent No.8. Therefore, ever since the age of two years, he has been staying with his step-mother. He further informs this Court that he also has a step-brother, Baigalla Vijay, the respondent No.9. According to him, he is comfortably staying with his step-mother and step-brother. Therefore, he would like to return to the house of his step-mother. Moreover, he has no interest of going back and living with the petitioner, as she is a total stranger to him.

The learned counsel for the petitioner submits that since the petitioner is bedridden, she needs to be looked after

by her biological son, the detenu. Therefore, the custody of Arjun should be handed over to the petitioner.

Needless to say that interest of the child is the paramount consideration. Since Arjun informs this Court that he has been living with his step-mother and step-brother for the last twelve years, it will be highly unfair and unjust on the part of this Court to direct that Arjun should live with the petitioner, who is a total stranger to him.

For the reasons stated above, this Court does not find any merit in the present Habeas Corpus Petition. Therefore, it is hereby dismissed. The police is directed to handover the custody of Arjun to the respondent No.8. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(Dr. SHAMEEM AKTHER, J)

Date: 01.07.2019

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