

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.10984 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“..to issue a writ, order or direction and more particularly one in the nature of Writ of Certiorari by call for the records of CWC-KNR-DIS No.22/2018, dated: 21.03.2018 on the file of the 2nd Respondent is declared to be excess of jurisdiction and abuse of the process of law as stated under Juvenile Justice (Care & Protection of Children) Act, 2015 and the same is illegal and arbitrary and consequently direct the Respondents 2 to 5 to be handed over the custody of the 2nd Petitioner to the 1st Petitioner and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri Ch. Venkat Raman, learned counsel appearing for the petitioners and learned Government Pleader for Home (Telangana) appearing for respondents 1, 4 and 5. Perused the material record.

3. After making submissions for sometime, learned counsel for the petitioners sought permission to withdraw the writ petition and however, requested for reserving liberty to assail the impugned notice, dated 21.03.2018, before an appropriate forum.

4. Learned Government Pleader for Home would submit that the notice issued by the Child Welfare Committee, Karimnagar, (Bench of Magistrates), was duly received and that pursuant to the said notice, the Inspector of Police, Nirmal Town and the Sub Inspector of Police, She Team, took the boy aged 4 years from the hands of the first petitioner, who is the husband of the third respondent, and handed over to his natural mother - the third respondent for care and custody.

5. Recording the said submissions, the Writ Petition is disposed of reserving liberty to the petitioner to assail the impugned notice, dated 21.03.2017, before an appropriate forum or seek any other remedy which the law permits, in view of the submission that the impugned notice is in the nature of an order. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

Date: 03.04.2018
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