

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.25423 of 2018

Date: 24.07.2018

Between:

Polotu Nirmala Kumari

... Petitioner

and

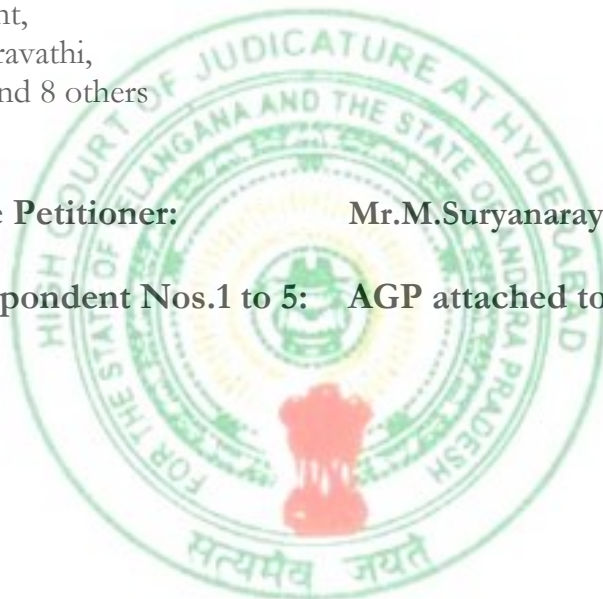
The State of Andhra Pradesh
Rep. by its Prl.Secretary,
Home Department,
Velagapudi, Amaravathi,
Guntur District and 8 others

...Respondents

Counsel for the Petitioner:

Mr.M.Suryanarayana

Counsel for respondent Nos.1 to 5: AGP attached to AG (AP)



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 official respondents to produce respondent Nos.8 and 9, who are minors, before this Court.

The grievance of the petitioner is that respondent No.7, who is her husband, is keeping the custody of their two minor children *i.e.*, respondent Nos.8 and 9 herein. She asserted her right as mother to have the custody of the minor children.

Being the father, respondent No.7 cannot be termed as having the illegal custody of her two children. In the guise of seeking a Writ of Habeas Corpus, the petitioner cannot get the custody of her minor children. If the petitioner wants custody of her two minor children, she is entitled to avail the common law remedies available to her.

Subject to the observations made herein before, the Writ Petition is dismissed as wholly misconceived.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 24th July, 2018
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