

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

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.26800 of 2018

Date: 31.07.2018

Between:

Smt.Madhu Mor

... Petitioner

and

The State of Telangana
Rep. by its Prl.Secretary,
Home Department,
Secretariat, Hyderabad
and 5 others

...Respondents

Counsel for the Petitioner:

Mr.A.L.Raju

Counsel for respondent Nos.1 to 5:

AGP attached to AG (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 respondent No.2 to produce the petitioner's mother- Smt.Sarala Gulabani (for short 'the alleged *detenue*') before this Court and set her free.

From the averments of the petitioner, it is quite evident that a lot of civil litigation is going on between her on one side and her brother on the other. Indeed, in OP.No.1344 of 2015 filed by her, she has sought for the following prayer:

- “i. to declare that the Smt.Sarla Gulabani (Petitioner's mother) as insane/mentally ill person.
- ii. to direct the Respondent No.1 to handover the custody of Smt.Sarla Gulabani to the petitioner.
- iii. to appoint Petitioner as guardian to Smt.Sarla Gulabani.”

When the petitioner has already availed an appropriate remedy seeking the custody of the alleged *detenue*, she is not entitled to invoke the jurisdiction of this Court for issue of Habeas Corpus on the purported ground that the alleged *detenue* has dementia and that her health condition is bad. Except the *ipsi dixit* of the petitioner, no iota of material is produced by her in support of her plea relating to the precarious health condition of the alleged *detenue*. At any rate, the petitioner is entitled to seek appropriate

interim relief before the jurisdictional Court, in which the civil litigation including OP.No.1344 of 2015 is pending.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 31st July, 2018
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