

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

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.27676 of 2018

Date: 08.08.2018

Between:

M.Venkata Mohan

..Petitioner

and

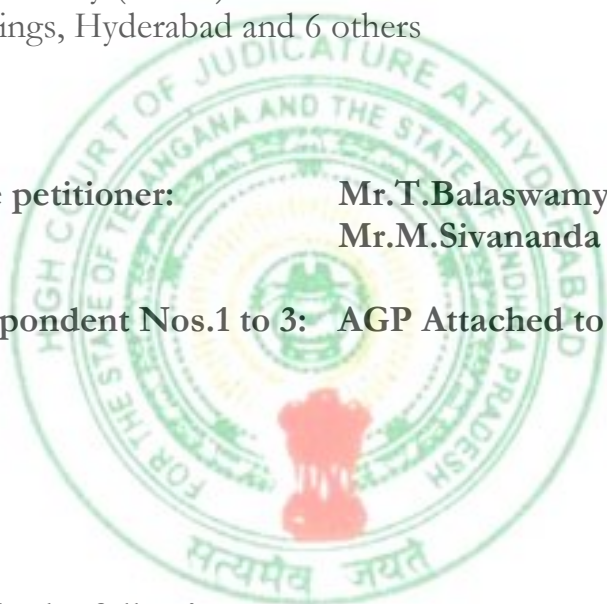
The State of Telangana
Rep. by its Prl.Secretary (Home)
Secretariat Buildings, Hyderabad and 6 others

..Respondents

Counsel for the petitioner:

**Mr.T.Balaswamy for
Mr.M.Sivananda Kumar**

Counsel for respondent Nos.1 to 3: AGP Attached to AG



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 respondents to produce before this Court, the petitioner's minor child *viz.*, Mogothadakala Tapaswan Karthikeya, aged two years, who is, allegedly, in the illegal custody of respondent No.4, and hand over him to the petitioner.

On the own showing of the petitioner, he has already filed GOP.No.28 of 2018 in the Court of the District Judge, East Godavari at Rajamahendravaram and secured an interim order to maintain *status quo*. The petitioner, however, alleged that in violation of the said order, respondent No.4 exerted her influence on respondent Nos.5 to 7 and took away the minor child from his custody through respondent No.5.

The learned Assistant Government pleader representing the learned Additional Advocate-General (TS), on instructions, submitted that the minor child continued to be in the custody of respondent No.4.

We are not inclined to go into the disputed questions as to in whose custody the minor child had been all-through for the reason that the petitioner has already availed the appropriate legal remedy by filing GOP.No.28 of 2018 for his appointment as guardian and

seeking custody of the minor child. Indubitably, the District Court, in which GOP.No.28 of 2018 is pending, has the powers to pass appropriate orders to safeguard the interests of the minor child. If respondent Nos.4 to 7 have violated the order of the jurisdictional Court, the petitioner is entitled to avail appropriate legal remedies.

Indeed, Mr.T.Balaswamy, learned Counsel representing Mr.M.Sivananda Kumar, learned Counsel for the petitioner, submitted that an application for this purpose has already been filed before the District Court.

In these facts and circumstances of the case, we are of the opinion that the petitioner cannot avail parallel remedies. Therefore, this Writ Petition is dismissed without adjudicating on the serious allegations made by the petitioner and with liberty to him to pursue the remedies already availed by him before the jurisdictional Court.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 8th August, 2018

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