

THE HON' BLE SRI JUSTICE C. V. NAGARJUNA REDDY
AND
THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 40294 of 2015

Date: 27th February, 2018

Between:

Korada Bhogi Raju

... Petitioner

And

The State of Telangana and 6 others

... Respondents

COUNSEL FOR PETITIONER : Mr. Narinder Pal Singh

COUNSEL FOR RESPONDENTS :

A.G.P. for Home (T.S) for respondents 1 to 3

Mr. A. Rama Rao for respondents 4 to 7

THE COURT MADE THE FOLLOWING:

ORDER: (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for the following substantive relief:

"... to issue a Writ, Order or direction more particularly one in the nature of Writ of Habeas Corpus directing the 2nd respondent herein to produce petitioner's two minor children namely master K. Mohit, aged about 7 years and Master K. Jaswant, aged about 5 years, before this Hon' ble Court and consequently shall be set at liberty with immediate effect from the unlawful, illegal, wrongful and unjustified detention of 4th to 7th respondents and allow them to live with the petitioner peacefully and to continue their study and move freely like other children and pass such other order ..."

2. At the hearing, the counsel for the petitioner is not present.
3. A perusal of the record shows that the petitioner is seeking custody of his two minor children from the custody of respondents 4 to 7 who are the parents and relatives of the petitioner's deceased wife.
4. In our opinion, the dispute raised by the petitioner needs to be adjudicated by the competent Civil Court under the provisions of the Guardians and Wards Act. Therefore, in our opinion, the relief claimed in this Writ Petition, namely, issuing of a Writ of Habeas Corpus is not maintainable.
5. Therefore, the Writ Petition is dismissed, however, with liberty to the petitioner to avail appropriate legal remedies in terms of the observations made herein above.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

27th February, 2018
KSM

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(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

27th February, 2018

KSM