

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE P. KESAVA RAO

W.P.No.31697 of 2018

Date : 05-09-2018

Between :

Sapavath Usha

.. Petitioner

And

The State of Telangana,
Represented by its Principal Secretary
(Home), Secretariat, Hyderabad
and others

.. Respondents

Counsel for petitioner : Sri P. Rama Sharana Sharma
Counsel for respondent Nos.1 to 4 : Assistant Government
Pleader attached to Advocate General (TS)

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 pass an order or direction or writ more particularly writ in the nature of writ of Habeas Corpus duly declaring the action of respondents 4 & 5 in abducting the children of the petitioner, namely, Sapavath Lohith Sai and Sapavath Tanuswi as illegal and arbitrary and against the fundamental right, and consequently, direct the respondents to produce and handover them to the petitioner in the interest of justice ...”

The Writ Petition is wholly misconceived as the petitioner is seeking to rake up a dispute which is already the subject matter of G.W.O.P.No.136 of 2018 and C.R.P.No.4357 of 2018. In paragraph-3 of the affidavit filed in support of the Writ Petition, the petitioner has stated that on 24-7-2018, respondent No.5 along with a Police Constable, forcibly took away the two minor children from her custody. However, in her representation dated 9-8-2018 made to the Director General of Police, State of Telangana, the petitioner has stated that at 7 P.M. on 8-6-2018, respondent No.5 and two other persons came to her parents' house in a Ford car, abused and assaulted her parents and took away the two children. In the light of the same, the aforementioned averment in para-3 of the affidavit involving a Police constable, appears to be an absolute falsehood. As the custody of the two minor children is the

subject matter of the aforementioned two cases as observed hereinbefore, this Writ Petition for issue of Habeas Corpus is not maintainable and the same is accordingly dismissed.

As a sequel to the dismissal of the Writ Petition, I.A.No.1 of 2018 filed for interim relief is dismissed as infructuous.

Justice C.V. Nagarjuna Reddy

Justice P. Kesava Rao

Date : 5-9-2018

AM

