

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

and

The Hon'ble Sri Justice P.Keshava Rao

WP.No.38983 of 2018

Dated 1st November, 2018

Between:

Eppatoru Sridhar

...Petitioner

and

State of Telangana

Rep. by its Prl.Secretary,

Home (General.A) Dept.,

Secretariat, Hyderabad and 2 others

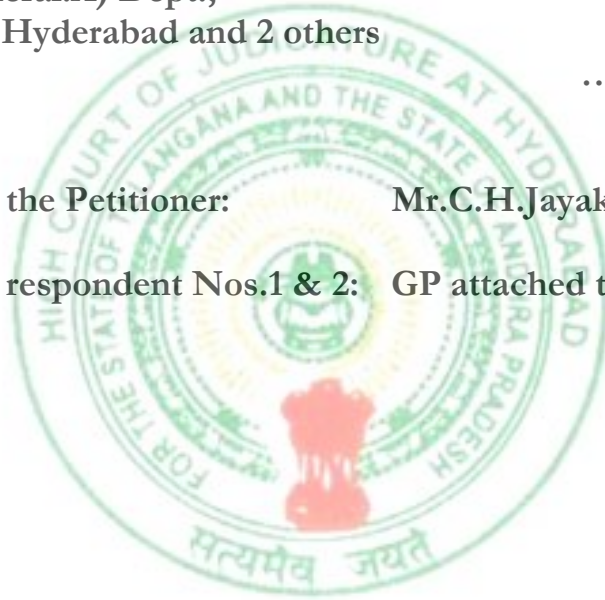
... Respondents

Counsel for the Petitioner:

Mr.C.H.Jayakrishna

Counsel for respondent Nos.1 & 2:

GP attached to AG (TS)



This Court passed the following:

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

This Writ Petition is filed for issue of Habeas Corpus declaring the inaction of respondent No.2 in considering the petitioner's complaint, dated 15-10-2018, as illegal and consequently, direct respondent No.2 to produce his minor children *viz.*, E.Bhavisha & E.Nehal from the custody of respondent No.3.

We have heard the learned Counsel for both parties and perused the record.

From the contents of the complaint, dated 15-10-2018, given by the petitioner to respondent No.2 and the averments made in the affidavit filed in support of this Writ Petition, it is clear that the petitioner is aggrieved by respondent No.3 holding the custody of his two minor children. Though the learned Counsel for the petitioner sought to project the grievance of the petitioner as if the whereabouts of respondent No.3 are not known and that the safety of the two minor children is in jeopardy, we do not find any averment in relation thereto in the affidavit or in the complaint given to the Police. The petitioner has given the house address of respondent No.3 and in the absence of any averment that he made a physical verification of the

whereabouts of respondent No.3 with reference to the house address, we cannot accept the submission of the learned Counsel for the petitioner that the whereabouts of respondent No.3 are not known. In the guise of seeking a writ of Habeas Corpus, the petitioner is evidently seeking the custody of his two minor children. In our opinion, the petitioner is required to avail the common law remedies available to him for the custody of his minor children.

For the aforementioned reasons, we do not find any merit in this Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, IA.No.1 of 2018 filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(P.Keshava Rao, J)

Dt: 1st November, 2018
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