

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

Writ Petition No.40734 of 2018

Date: 15.11.2018

Between:

Nidiganti Mallikarjunaiah,
S/o Nidiganti Navaneetham Naidu

... Petitioner

And:

The State of Telangana
rep. by its Prl. Secretary
Home Dept, Amaravathi
and five others.

... Respondents

Counsel for the Petitioner: Mrs. K.Pallavi

Counsel for respondent Nos.1 to 5: AGP attached to AG (AP)

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 Police to produce one Kulluru Pullaiah Naidu, maternal uncle of the petitioner and husband of respondent No.6, after tracing his whereabouts.

We have heard Mrs. K.Pallavi, the learned counsel for the petitioner and perused the record.

As per the averments of the petitioner, there are serious disputes between himself and respondent No.6, who is no other than his own sister, over certain property. The alleged detenu is stated to be a witness to the Will set up by the petitioner. The petitioner claims that the whereabouts of the alleged detenu are not known since the year 2013 and that, recently respondent No.6 has deposed before the civil Court, in which the dispute between herself and the petitioner is pending, that the alleged detenu is living with her daughter in Hyderabad. The petitioner further averred that he has made a representation on 26.10.2018 to respondent No.3 to make an enquiry as to whether the alleged detenu is alive or not and to take immediate action against respondent No.6.

From the averments made by the petitioner as noted above, it is quite clear that he is more interested in securing the presence of the alleged detenu for the purpose of the latter giving evidence in the civil dispute pending between him and respondent No.6 than

the welfare and well-being of the alleged detenu. If the petitioner was really interested in the well-being of the alleged detenu, he would not have kept quiet from the year 2013 without approaching the Police. Even assuming that the petitioner has genuine concern for the welfare of the alleged detenu, having given a representation to respondent No.3 on 26.10.2018, he is entitled to take the same to its logical end by putting the criminal law into motion if no action is taken by respondent No.3 to know the whereabouts of the alleged detenu. As this Court is not convinced with the *bona fides* of the petitioner in approaching this Court to secure the presence of the alleged detenu in the guise of seeking to issue a Writ of Habeas Corpus, we are not inclined to entertain this Writ Petition. However, we leave the petitioner free to avail appropriate legal remedies, if he feels that the alleged detenu is in illegal or forcible custody of respondent No.6.

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

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

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.AMARNATH GOUD

15th November, 2018
dr