

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.03.2019
CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR
H.C.P.No.539/2019

V.Venkatesan

.. Petitioner

vs.

1.The Superintendent of Police
Melmaruvathur, Kancheepuram District.

2.The Inspector of Police
G3 Kancheepuram Police Station-L&O
Melmaruvathur, Kancheepuram District.

3.V.Jayaraman

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 2nd respondent herein to produce daughters of the petitioner [1]Keerthika-9 years [2]Hosika-4 years D/o.V.Venkatesan, from the custody of the 3rd respondent bodily in person before this Court and hand over to the petitioner.

For Petitioner .. Mr.R.Vijayaraghavan
For RR 1 & 2 .. Mr.C.Iyyappa Raj, APP
For R3 .. Mr.P.Gurunathan

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

This Court, in continuation and in conjecture with the earlier order dated 13.03.2019, is passing the following order.

2 The petitioner is the biological father of two female children, namely, Keerthika and Hosika, who are aged about 9 and 4 years respectively, the detenues herein and according to him, his wife/mother of the detenues died on 05.11.2018 and cremation was done in the parental home and the detenues were taken for that purpose and however, they were refused to be returned to his custody.

3 When the matter is listed today, the maternal grandmother of the detenues, is present before this Court and

she would state that the elder child Keerthika, is unable to pursue her education for want of Transfer Certificate from the School in which she studied and the petitioner, being the father, is also refusing to give consent to get the Transfer Certificate. She would further state that both children are under her care and custody and they are being looked after well. Therefore, prays for appropriate direction, directing the petitioner to give no objection for getting Transfer Certificate from the earlier school, so as to enable her to admit Keerthika in a School at Melmaruvathur.

4 The petitioner is also present before us. He was also enquired. He would state that when his was alive, it was only he would made her to finish her Graduation and the children were taken to her parental home under the garb of performing the final ceremonies on the death of his wife and they have not been returned to him despite his very many requests and being the biological parent, he has also been denied access to see his children and hence, prays for appropriate orders.

5 The Court heard the submissions of the learned counsel for the petitioner ; learned counsel for the 3rd respondent and the learned Additional Public Prosecutor appearing for the respondents 1 and 2/State.

6 Admittedly, the 3rd respondent has filed GWOP.No.41/2018 on the file of the learned Principal District Judge, Chengalpattu, seeking permanent custody of the petitioner's children-detenues herein and in the light of the pendency of the proceedings before the appropriate and competent Forum, this Court is not inclined to express any opinion as to the alleged illegal custody or otherwise on the part of the 3rd respondent. However, the petitioner being the biological father of the detenues, is entitled to see his children/detenues herein, at frequent intervals and the respective learned counsel appearing for them would undertake to do the needful and they also agree that both children can be produced before the Mediation and Conciliation Centre attached to the District Court at Chengalpattu.

7 Hence, the detenues/minor children shall be produced before the Mediation and Conciliation Centre attached to the District Court at Chengalpattu on the 1st and 3rd Saturdays of every month between 11.00 a.m. and 1.00 p.m., till 03.06.2019 subject to Court Holidays so as to enable the petitioner to see his children and as regards the interim and permanent custody of the children, the petitioner is at liberty to work out his remedy in the pending proceeding in GWOP.No.41/2018 before the learned Principal District Judge, Chengalpattu. The Court of Principal District Judge, Chengalpattu, is also directed to

expedite the hearing of GWOP No.41/2018 and give an early disposal of the same.

8 The Habeas Corpus Petition stands disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Superintendent of Police
Melmaruvathur, Kancheepuram District.
- 2.The Inspector of Police
G3 Kancheepuram Police Station-L&O
Melmaruvathur, Kancheepuram District.
- 3.The Public Prosecutor,
Madras High Court, Madras.

Copy to:-

- 1.The Principal District Judge
Chengalpattu.
- 2.The Mediation and Conciliation Centre
Principal District Court, Chengalpattu.

+1 cc to Mr.P.Gurunathan, Advocate, Sr.No. 29069
+1 cc to Mr.R.Vijayaraghavan, Advocate, Sr.No. 28851

सत्यमेव जयते

CSL/10.05.2019

H.C.P.No.539/2019

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