

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2019

CORAM:

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

H.C.P.No.2583 of 2018

S.Balaji

.. Petitioner

Vs.

The State, rep. by
The Inspector of Police
T-14, Mangadu Police Station,
Chennai.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondent to retrieve petitioner's sons 1) Master B.Siva Prakash, aged about 9 years; 2) Master Siva Karthikeyan, aged about 4 years and produce them before this Court and handover to the petitioner.

For Petitioner ... Mr.S.V.D.Rajendra Prasad

For Respondent .. Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

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

This Court, in continuation and conjuncture with the earlier order dated 19.02.21019, this Court is passing the following order.

2. The District Legal Services Authority, Theni has submitted a report dated 13.03.2019 and it would disclose among other things, the wife of the petitioner namely Sajitha @ Sangeetha, is not accepting for re-union and also denied the visitation rights to the petitioner, to see his biological sons, born to them out of their wedlock.

3. In the light of the fact that the detenue is a major and she on her own volition left the company of the petitioner

and at present living in her parent's house at Theni, this Court is of the considered view that the detenues, the minor sons of the petitioner are not under illegal custody or detention at the hands of the third party. The report of the Secretary/Senior Civil Judge, District Legal Services Authority, Theni, is taken on file.

4. In the result, this Habeas Corpus Petition is dismissed, however, the petitioner is so advised; he is at liberty to approach the competent forum, in accordance with law, as to the custody of his two sons.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Inspector of Police
T-14, Mangadu Police Station,
Chennai.
2. The Public Prosecutor
High Court, Madras.

H.C.P.No.2583 of 2018

NRL(CO)
SSM(23/04/2019)

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