

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

W.P. No. 21627 of 2019

Date: 30.09.2019

Between:

Syed Sajjad Basha

... Petitioner

and

State of Telangana,
Rep. by its Principal Secretary,
Home Department,
Secretariat, Hyderabad, and others.

... Respondents

Counsel for the petitioner:

Mr. B.S. Prakash Rao

**Counsel for the respondent Nos.1 to 3: Mr. Santosh Kumar,
GP attached to the Office
of the Advocate General**

The Court made the following:

ORDER: *(per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

Mr. Syed Sajjad Basha, the petitioner, has filed this Habeas Corpus Petition *inter alia* on the ground that his daughter, namely Nishath Fathima is being illegally detained by his in-laws, the respondent Nos.4 and 5.

Briefly the facts of the case are that on 17.01.2014, the petitioner was married to one Nishath Anjum. During their wedlock, they were blessed with a daughter, namely Nishath Fathima. However, unfortunately, on 19.12.2014, the petitioner's wife succumbed to cancer. After her death, the minor daughter was brought up by the respondent Nos.4 and 5. The petitioner filed a petition, namely G.W.O.P.No.76 of 2015 seeking the custody of the child. By order dated 27.12.2018, the learned VI Additional District Judge at Siddipet, while dismissing the petition, permitted the petitioner to visit his daughter at the school where she is studying, on every first, third and fourth Saturdays depending upon his convenience and attendance of the child. The petitioner was also permitted to take the child with him during the holidays. According to the petitioner, this part of the order is not being implemented by the respondent Nos.4 and 5. Therefore, the custody of the child is an illegal one. Hence, the present Habeas Corpus Petition before this Court.

Heard the learned counsel for the parties, and perused the record.

The Habeas Corpus jurisdiction cannot be used by a litigant for implementation of an order passed by a Family Court. The petitioner has an ample alternative remedy in order to implement the order dated 27.12.2018. Therefore, invoking the Habeas Corpus jurisdiction is an abuse of process of law.

For the reasons stated above, this Court does not find any merit in the present Habeas Corpus Petition. It is, hereby, dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 30.09.2019
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