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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.107 of 2021

Kalima Banu @ Kalima Beevi

... Petitioner/ Mother of the
detenue

-vs-

1.The Superintendent of Police,
Thanjavur,
Thanjavur District.

2.The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.

3.Mohamed Sheik Abudullah

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the petitioner's daughter namely Hajitha Thaiyuba, aged about 9 years, from the illegal custody of the third respondent before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.T.Palanisamy

For R1 & R2 : Mr.S.Ravi
Standing counsel for State

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

Alleging that the petitioner's daughter by name Hajitha Thaiyuba, aged about 9 years, is in illegal custody of the third respondent, who is none other than the husband of the petitioner, the present Habeas Corpus Petition has been filed.

2. Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the State.

3. Considering the fact that the child is only in the custody of the father and not in the custody of the third respondent as alleged by the petitioner. Hence, the Habeas Corpus Petition is not



maintainable and the same is dismissed. However, it is always open to the petitioner to approach the concerned Civil Court, seeking the custody of the minor child.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

akv

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Superintendent of Police,
Thanjavur,
Thanjavur District.
- 2.The Inspector of Police,
Athirampattinam Police Station,
Thanjavur District.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RK (08.09.2021) 2P 4C