



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2021

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

H.C.P. (MD) No.89 of 2021

S.Benazir ... Petitioner/Mother of the Detenue

-vs-

1. The Superintendent of Police,
Nagercoil, Kanyakumari District.

2. The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.

3. The District Protection Officer/
Social Welfare Officer,
Nagercoil.
Kanyakumari District.

4.Abulkalam Asath ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the Respondents to produce the body or person of the detenue namely, the minor female child namely Indira Asath, D/o.Abulkalam Asath, aged 3 years before this Court and grant her custody to the petitioner.

For Petitioner : Mr.S.Sureshkumar
For R1 to R3 : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This habeas corpus petition has been filed by the petitioner, who is the mother of the detenue, namely, Indira Asath, D/o.Abulkalam Asath, aged 3 years to produce her before this Court and grant her custody to the petitioner.



2. It appears that the petitioner is the wife of the fourth respondent and the detinue is their minor daughter. Alleging that the minor child is being kept in illegal custody by the fourth respondent, this habeas corpus petition has been filed.

3. It is represented that the fourth respondent has already filed G.W.O.P.No.15 of 2021 before the I Additional District Judge, Madurai for custody of the minor child, the detinue herein and the case stands adjourned to 01.03.2021. However, the petitioner has not served with summons and no appearance was made on behalf of the petitioner.

4. It is represented by the learned counsel for the petitioner that since the issue is already pending before the competent Civil Court, the petitioner is ready to work out her remedy before the Civil Court, but considering the urgency, suitable direction can be issued for taking up the matter at the earliest.

5. In the light of the above submission, we request the I Additional District Judge, Madurai to permit appearance on behalf of the petitioner in G.W.O.P.No.15 of 2021 and if an application is moved for interim custody of the minor child Indira Asath, it shall be disposed of within a period of four weeks there from purely on merits and in accordance with law.

6. With the above direction, the habeas corpus petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Nagercoil, Kanyakumari District.
2. The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
3. The District Protection Officer/
Social Welfare Officer,
Nagercoil, Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

1. The I Additional District Judge,
Madurai.
2. The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.89 of 2021
04.02.2021

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