



WEB COPY

HCP(MD)No.315 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

HCP(MD)No.315 of 2021

Palavesam

... Petitioner/Father of Detenues

vs.

1)State Represented by the
Superintendent of Police,
Kanniyakumari District.

2)The Inspector of Police,
Kottar Police Station,
Nagercoil, Kanniyakumari District.

3)Thangam

4)Essakimuthu

5)The Inspector of Police,
Aralvoimozhi Police Station,
Nagercoil at Kanniyakumari District.

... Respondents

(R5 suo motu impleaded as per the order of this Court dated
01.03.2021)

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the 1st and 2nd respondents to produce the petitioner's minor daughters namely, Abinaya D/o. Palavesam, aged 10 years and Lavanya, D/o.Palavesam, aged 5 years before this Hon'ble Court and to hand over the custody of the petitioner's daughter to the petitioner.

For Appellant : Mr.Niranjana S.Kumar for
Mr.S.Muruga Ganesan

For Respondent : Mr.S.Ravi, Standing Counsel for
Government of Tamil Nadu

For Respondent-3: No Appearance.

ORDER

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

Alleging that the petitioner's two minor children namely, Abinaya D/o. Palavesam, aged 10 years, and Lavanya, D/o.Palavesam, aged 5 years, are under the custody of the 3rd respondent/wife, of the petitioner, the present Habeas Corpus Petition has been filed.

2.Mr.Niranjana S.Kumar, learned counsel representing the counsel on record for the petitioner would submit that the 3rd respondent

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eloped with the 4th respondent and respondents 3 and 4 are keeping the petitioner's children against their wish. The custody of the minor children is not against the interest of the minor children.

3.Today, both the minor children are present before this Court. We have enquired both the children and they have stated that, they only want to go with the 3rd respondent/mother. They have also stated that the 3rd respondent is taking care of them well.

4.Considering the fact that the children are with the mother, it cannot be treated as illegal detention. Hence, the petitioner cannot maintain the Habeas Corpus Petition. However, it is made clear that if the petitioner is interested in the custody of the minor children, it is always open to him to approach the appropriate court seeking appropriate remedy.

5.Accordingly, this Habeas Corpus Petition is dismissed. No costs.

Sd/-

Assistant Registrar (T & P)

// 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,
Kanniyakumari District.

2)The Inspector of Police,
Kottar Police Station,
Nagercoil, Kanniyakumari District.

3)The Inspector of Police,
Aralvoimozhi Police Station,
Nagercoil at Kanniyakumari District.

+1 CC to M/s.S.MURUGA GANESAN, Advocate (SR-27559)

HCP(MD)No.315 of 2021

DATED : 26.08.2021

RS (16.09.2021) 2P 5C

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