



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) .No.1220 of 2020

Govindarajan

... Petitioner/Grandfather of the detenu

-vs-

1.The Secretary of External Affairs,
Ministry of India,
New Delhi,
India.

2.The Indian High Commissioner,
Indian Embassy/
Consulate General of India,
540, Arguello Blvd,
San Francisco,
CA 94118, United States.

3.The Superintendent of Police,
Dindigul District,
Dindigul,
Tamil Nadu,
India.

4.The Inspector of Police,
Ambathurai Police Station,
Dindigul District,
Tamil Nadu,
India.

5.Dharani Selvaraj,
[Indian Passport Number:NO452996],
1463, NW 209th Avenue,
Hillsboro, OR 97124,
United States.

6.Selvaraj

... 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 to 4 to secure the detenu and produce the body of the detenu, the petitioner's granddaughter, Navira Rajkumar, [Indian Passport Number:N4349058], aged about 7 years before this Court and set her at liberty forthwith.



For Petitioner : Mr.R.Velmurugan
For R-1 & R-2 : Mr.H.Velavadhas,
Senior Panel Counsel for Central Government
For R-3 & R-4 : Mr.S.Ravi,
Standing counsel for Government
For R-6 : Mr.J.Sankara Pandian

WEB COPY

O R D E R

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

The petitioner is the grandfather of the detenu by name Navira Rajkumar, aged about 7 years and alleging that she is in the illegal custody of the fifth respondent herein, who is residing at Unites States, the present Habeas Corpus Petition has been filed.

2. When the matter is taken up for hearing today, Mr.S.Ravi, learned Standing Counsel appearing for the State, on instructions would submit that the petitioner's son, who is the husband of the fifth respondent and father of the minor child was residing at United States with the fifth respondent along with the minor child Navira Rajkumar. Subsequently, the petitioner's son died there and thereafter, the minor child was in the custody of the fifth respondent and alleging that she is illegally detaining the minor child, the present Habeas Corpus Petition has been filed.

3. Admittedly, the child is with her mother and hence, it cannot be considered as illegal custody and therefore, this Habeas Corpus Petition is not at all maintainable. If at all the petitioner wants the custody of the minor child, it is always open to him to approach the competent Civil Court in the manner known to law.

4. With the above observations, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS I)

// 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,
Dindigul District,
Dindigul,
Tamil Nadu,
India.
- 2.The Inspector of Police,
Ambathurai Police Station,
Dindigul District,
Tamil Nadu,
India.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1220 of 2020
04.08.2021

SSS

RS (11.08.2021) 3P-4C