



WEB COPY

H.C.P(MD)No.1610 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

H.C.P. (MD) .No.1610 of 2021

Anthony Ammal

... Petitioner/ Mother of the Detenu
-vs-

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police
Mukkudal Police Station,
Mukkudal, Tirunelveli District.

3. Lourdhu Panner ... 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 herein to produce the body or person of the petitioner's son namely Madeesh, S/o.Mariappan, aged about 8 years, now detained by the third respondent before this Court and handover his custody of the petitioner's minor son to the petitioner.

For Petitioner : Mr.S.Sathyachidambaram
For R1& R2 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

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

Alleging that the petitioner's son by name Madeesh, aged about 8 years, is illegally detained by the third respondent, the petitioner has given a complaint before the first respondent police. But, so far no action has been taken to secure the detenu. Hence, the present Habeas Corpus Petition has been filed.

2. When the matter is taken up for hearing today, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the State, on instructions would submit that the third respondent is the biological father of the detenu. Earlier, he said to have given adoption of the detenu/minor child, to the petitioner, who is none other than his own sister. Now, the detenu is in custody of third respondent, father. There is a civil dispute pending between the



parties regarding adoption. He would further submit that the detenu is not illegally detained by the third respondent.

3. Considering the above circumstances that the detenu is in the custody of his biological father, it cannot be treated as illegal custody. If at all the petitioner is having any right by virtue of adoption, she has to approach the appropriate civil Court to prove the same and take custody of the minor child and she cannot maintain a Habeas Corpus Petition.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police
Mukkudal Police Station,
Mukkudal, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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