

**THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY
AND
THE HON'BLE SMT JUSTICE JUVVADI SRIDEVI**

WRIT PETITION No.28607 of 2022

ORDER: (per the Hon'ble Sri Justice A. Abhishek Reddy)

In this Writ Petition, the petitioner has prayed for issuing directions to the respondents to produce her daughter, namely, Vavilala Suchitra, D/o late Vavilala Lakshmi Narayana, who is in illegal custody and detention of the respondent No.7, the elder son of the petitioner.

The respondent No.7 has filed counter stating that the petitioner is none other than his mother and she is actually bedridden and not in a position to move out, but, she has filed the present Writ Petition under the influence and behest of her younger son, namely, Rajendranath. That the alleged detainee is none other than the sister of the respondent No.7 and is staying along with the respondent No.7 out of her own free will without any coercion or force or undue influence by the respondent No.7 on his sister, as alleged by the petitioner. That

the respondent No.7 is taking good care of the alleged detainee and providing her the necessary treatment and medications to improve her health condition. That the allegations made by the petitioner are frivolous, false and concocted for the purpose of prejudicing the mind of this Court. That there are no merits in the present Writ Petition warranting any interference by this Court.

When the matter came up for admission on 12.10.2022, this Court has interacted with the alleged detainee i.e., the daughter of the petitioner and during the course of interaction, the detainee has stated that she is being taken good care by the respondent No.7 and is staying with the respondent No.7 out of her own free will and without any coercion from anybody and she has categorically stated that she is being taken good care by her brother and she wanted to continue to stay with the respondent No.7 only.

However, the learned counsel for the petitioner has stated that the alleged detainee is under the influence of the

respondent No.7. That the alleged detenue is aged about 57 years and 30 years back, she was divorced from her husband and ever since, the petitioner is taking care of the alleged detenue. That the alleged detenue is suffering from chronic health diseases apart from 'PSYCHOSIS NOS' and has been under the care of the petitioner since last more than 20 years, but, the respondent No.7 has taken away the detenue and detained her illegally and not providing proper medical care. Even though there are some disputes with regard to the property, the petitioner is not interested in raising a dispute in the present Writ Petition, but, she had filed the present Writ Petition as she is apprehensive about the well-being of her daughter, who is in illegal custody of the respondent No.7. It is further stated that though there is specific direction from this Court to the respondent No.7 to file his counter along with the related medical reports of the detenue, no medical reports have been filed. It is further stated that the respondent No.7 during pendency of the present Writ Petition has got a gift deed executed by the alleged detenue in his favour which points out

the ulterior motive behind the detention. That the daughter of the petitioner is not in fit mental condition to differentiate as to what is good or bad for her and under the influence of the respondent No.7, she has executed the gift deed in his favour and there is an imminent threat to the life of the detinue. The respondent No.7 may cause harm to the detinue by not providing proper treatment and medication and therefore, seeks indulgence of this Court to allow the present Writ Petition.

Per contra, the learned counsel appearing on behalf of the respondent No.7 has stated that the present Writ Petition is filed with an oblique motive to harass the detinue and the respondent No.7. That the allegations made in the writ affidavit are totally false, concocted, fabricated to prejudice this Court. That prior to the filing of the present Writ Petition, the younger son of the petitioner viz., Rajendranath has forced the alleged detinue to execute a Will and got the same registered. In the said Will, it is categorically stated that the

alleged detainee is in a fit mental condition and keeping good health and in the writ affidavit, though it is stated that the alleged detainee has been missing for a period of 20 days, no steps have been taken by the petitioner or Rajendranath to trace out the detainee either by filing a police complaint or by way of a Writ Petition before this Court immediately. That only with the sole purpose to harass the respondent No.7, the present Writ Petition has been filed.

On 12.10.2022, this Court has interacted with the alleged detainee and during the course of interaction, the detainee has stated as under:

“.....she stated that out of her free will and without any coercion from any side, she is staying with respondent No.7 and also expressed her desire to stay with respondent No.7 only. That she is being taken good care by the respondent No.7 and taking medication regularly.”

Having regard to the above and in view of the statement of the respondent No.7 made in the counter that his brother, who is the younger son of the petitioner, unduly harassed the alleged detainee to execute the property documents in his

favour, we are of the opinion that the detinue is staying with the respondent No.7 out of her own free will and without there being any coercion from any person. Therefore, it cannot be said that the daughter of the petitioner is in illegal custody of the respondent No.7.

Having regard to the above, we are not inclined to entertain the present Writ Petition.

Accordingly, the Writ Petition fails and is dismissed, however, leaving it open to the petitioner to avail appropriate remedies as available to her under law.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

A. ABHISHEK REDDY, J

31st OCTOBER, 2022.

JUVVADI SRIDEVI, J

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