



HCP(MD)No.1538 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1538 of 2023

N.Thamarai

: Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Sempatti Police Station,
Dindigul District.

3.Naddi Rajini Kant

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the first and second respondents to produce a person or body of the petitioner's grandson namely the detinue by name Gunal S/o.Naddi Rajini Kant (Minor aged 3 years) before this Court and handover the petitioner's custody.



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For Petitioner : Mr.S.Vikraman

For Respondents 1&2 : Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

When the matter was taken up, it came to light that it is a tussle for custody of a minor child of third respondent [to be noted, third respondent is biological father of the minor child] and the HCP petitioner who is maternal grandmother. Further to be noted, the biological mother of the minor child died on 29.08.2022.

2.As it is a tussle for guardianship of a minor child as between maternal grandmother and biological father [HCP petitioner and third respondent respectively] learned Counsel sought leave of this Court to withdraw the captioned HCP and learned Counsel made the following endorsement:



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3. Learned Counsel made a request to preserve all the rights and contentions of the petitioner and / or anyone concerned with the matter to approach the GAWA Court [GAWA stands for 'Gaurdianship and Wards Act']. Learned Counsel also sought leave to preserve the rights and contentions of HCP petitioner and / or anyone concerned for the minor to approach any Court / Courts / Forum / Fora / Authority / Authorities. Request acceded to.

4. Though obvious we make it clear that the GAWA Court / any other Court / Courts / Forum / Fora / Authority / Authorities shall deal with the matter if approached on its own merits and in accordance with law dehors the withdrawal / closure of the captioned HCP ie., dehors this order.

5. Be that as it may, all the rights and contentions of the petitioner and / or anyone concerned for the minor are preserved for coming to this Court with similar / same prayer, if there are any change of circumstances.



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6.In the light of the narrative thus far, captioned HCP is disposed as closed / withdrawn albeit with the aforementioned observations and preservation of rights in the aforesaid manner. We refrain ourselves from imposing costs.

[M.S.,J.] & [R.S.V.,J.]
11.12.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
MR



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To

- 1.The Superintendent of Police,
Dindigul District.
- 2.The Inspector of Police,
Sempatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

MR

ORDER MADE IN
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