

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION NO: 4805 OF 2023

Between:

Yerramaisigari Rajeswari, W/o. Y.Mukesh Aged 26 years, Occ. House Wife R/o.
H.No.2-34/3, Balaji Nagar Ghatkesar Mandal, Medchal Malkajgiri District

...PETITIONER

AND

1. The State of Telangana, Represented its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad
2. The Director General of Police, State of Telangana, Hyderabad
3. Station House Officer, Medipally Police Station. Rachakonda police Commissionerate.
4. Yerramaisigari Mukesh, S/o. Y.Swamy Aged. 28 years, Occ. Business R/o.
H.No.3-58, Old Village Near Ambedkar Statue, Boduppal Medchal-Malkajgiri District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ or order or direction, more particularly one in the nature of a Writ of Habeas Corpus praying this Hon'ble Court to direct the respondent police to produce the sons of the petitioner namely Yerramaisigari Mahanth Sai Raj, aged 7 years and Y. Mridul Dev, aged 5 years who were illegally lifted by 4th respondent from petitioner home on 11.06.2022 before this Hon'ble court and to hand over them to the petitioner in the interest of justice

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the official respondents to produce the detenu namely Yerramaisigari Mahanth Sai Raj, aged 7 years and Y. Mridul Dev, aged 5 years who were illegally lifted by 4th respondent on 11.06.2022 from petitioner home, before this Hon'ble Court in the interest of justice, pending disposal of the above Writ Petition

Counsel for the Petitioner: SRI. NARESH SUNKARA

**Counsel for the Respondents: SRI. S. MUJIB KUMAR REP THE ADVOCATE
GENERAL**

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION No.4805 OF 2023

ORDER: (per AKS,J)

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

"... to issue an appropriate Writ or order or direction, more particularly one in the nature of a Writ of Habeas Corpus praying this Hon'ble Court to direct the respondent police to produce the sons of the petitioner namely Yerramaisigari Mahanth Sai Raj, aged 7 years and Y. Mridul Dev, aged 5 years, who were illegally lifted by 4th respondent from petitioner home on 11.06.2022 before this Hon'ble court and to hand over them to the petitioner in the interest of justice and pass such other order or orders ...".

2. Heard Sri Sunkara Naresh, learned counsel for the petitioner and Sri S. Mujib Kumar, learned Special Government Pleader, representing the learned Advocate General appearing for the respondent Nos.1 to 3.

3. Learned counsel for the petitioner had contended that the children of the petitioner, who were aged about 7 and 5 years, respectively, are under the illegal custody of the respondent No.4 and that the children of the petitioner be handed over to the petitioner from the illegal custody of the respondent No.4.

4. Today, the respondent No.3-Station House Officer, Medipally Police Station, Rachakonda Police Commissionerate, has produced

the minor children along with the respondent No.4, who happens to be the father of the minor children, before this Court. When the children are in the custody of one of the natural parents, it cannot be held as illegal custody. However, the petitioner can always approach the competent Court seeking custody of the minor children, in accordance with law. Therefore, this Court is not inclined to entertain the Writ Petition.

5. The Writ Petition is, accordingly, dismissed. However, today, the respondent No.4, father of the children in question, is present and he has stated that he would permit the petitioner to see the children in question on every Sunday. Hence, this Court is of the considered opinion that this arrangement can be made till the parties approach the competent civil Court seeking custody of the children in question. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Two CCs to ADVOCATE GENERAL, High Court for the State of Telangana, at Hyderabad [OUT]
2. One CC to SRI. NARESH SUNKARA, Advocate [OPUC]
3. Two CD copies

SW B M

HIGH COURT

DATED:13/03/2023

ORDER

WP.No.4805 of 2023



DISMISSING THE WRIT PETITION WITHOUT COSTS

BS
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18/4/23
[Signature]
19/4