



WEB COPY



HCP.No.1257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

H.C.P.No.1257 of 2024

T.K.Vijaya Lakshmi

.. Petitioner

Vs.

1.The Assistant Commissioner of Police,
No.108/104, 1st Floor,
Velachery Main Road, Selaiyur,
Chennai-600 0073.

2.The Inspector of Police,
S-12, Chitlapakkam Police Station,
Chitlapakkam,
Chennai-600 064.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, to direct the second respondent to produce



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the body of the petitioner's grand son namely, M.K.Vijayaraghav, S/o.S.Sathish Kumar, aged about 12 years, before this Court and handover to the petitioner.

For Petitioner : Mr.R.Thangamani

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
assisted by
Mr.C.Aravind

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner herein is the grandmother of Master S.Vijaya Raghavan, aged about 12 years, who is admittedly in the care and custody of his mother. It is stated that the petitioner's son / the father of the child is employed and a resident of Bangkok. Claiming the custody of the minor child, the present Habeas Corpus Petition has been filed.



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2. Admittedly, a divorce petition has already been filed by the petitioner's daughter-in-law before the Subordinate Court, Tambaram in HMOP.NO.204 of 2022 against her husband and the same is pending.

3. It is not the case of the petitioner that the minor child is under the illegal custody of his mother, and no such averments have been made in the affidavit filed in support of this petition. When the petitioner has the legal right to seek visitation before the concerned family Court, seeking production of her minor grandson and setting her at liberty, before this Court would not be legally sustainable, especially since no allegations have been made against her daughter-in-law claiming that the child is under illegal custody.

4. We are of the view that if liberty is granted to the petitioner to seek visitation rights before the concerned family Court, her grievance could be redressed.



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M.S.RAMESH,J.
and
SUNDER MOHAN,J.

Anu

5. Accordingly, this Habeas Corpus Petition stands closed with liberty to the petitioner to workout her remedy seeking visitation rights before the concerned Court of law.

(M.S.R.,J.) (S.M.,J.)
06.06.2024

NCC : Yes / No

Index : Yes / No

Anu

To

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Chennai-600 0073.

2.The Inspector of Police,
S-12, Chitlapakkam Police Station,
Chitlapakkam,
Chennai-600 064.

3.The Public Prosecutor,
Madras High Court

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