



WEB COPY

HCP No. 223 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2025

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

HCP No. 223 of 2025

Mariyappan.K
S/o.Kurusamy

Petitioner(s)

Vs

1. The Superintendent Of Police (South Region)
Police Complex, Ariyankuppam,
Puducherry-605 007

2.The Sho/inspector Of Police,
Law And Order, E1,
Mudaliyarpet Police Station, 133,
Cuddalore Road, Bharathidasan Nagar,
Mudaliarpet, Puducherry-605 004

3.Nilaveni
W/o.Tandapani,
No.90, Marudham Street,
Priyadharshini Nagar, Nainarmandapam,
Puducherry-605 004

Respondent(s)



PRAYER

This Writ petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus pertaining to the illegal custody or illegal detention of petitioner's Minor Son M.Y.Kabilesh aged 7 years and consequently direct the respondents to produce the detenu before this Honble Court and handover his custody to the petitioner.

For Petitioner(s): Mr. S.Karunamoorthy

For Respondent(s): Mr. K.S.Mohandoss,
Public Prosecutor (Pondy)
For R1 And R2

Ms.B.Priyanka,
For R3

ORDER

(Order of the Court was made by N.Sathish Kumar J.)

The petitioner, being the father of the minor child, has filed this writ of Habeas Corpus Petition seeking custody of the minor child, who was admittedly with the grandmother.



2. The detenu's mother died. After her death, the child was originally with the grand mother. However, since this HCP is filed before this Court, by order dated 17.02.2025, this Court handed over the custody to the petitioner and, by several subsequent orders, particularly, on 17.09.2025, directed the petitioner to hand over the minor child to the third respondent/grandmother on the Saturdays of every month in the afternoon and on the second Saturday of every month, the child shall be handed over in the forenoon itself. The child shall remain with the grandmother and shall be taken back by the petitioner only on the following Sunday evening. That order is still continuing.

3. It is submitted by the learned counsel appearing for the third respondent that the petitioner is highly concerned about the death benefits arising out of his wife's demise, which may affect the minor's right.

4. We have considered the matter in the light of the submissions made by the learned counsel on both sides and perused the entire materials available on record carefully.



5. As much water has flowed pursuant to the orders of this Court, and since the custody is now with the father, no further order is required in this matter.

6. In such view of the matter, we are of the considered view that,

(i) The order of this Court dated 17.09.2025 shall be strictly followed by the petitioner. In addition to that, following orders to be followed:-

(ii) In the event of any violation, the original status will be restored.

(iii) The death benefits of the minor son's mother, being the minor's share, shall not be dealt with by the petitioner in any manner without obtaining proper permission from the concerned jurisdictional Family Court or District Court.

(iv) Further, the petitioner shall hand over the child to the third respondent/grandmother on 25th December of every year in lieu of the death anniversary of the minor child's mother.

(v) This order shall be strictly followed without any deviation.

(vi) With regard to permanent custody rights, the parties are at liberty to adjudicate the same before the competent Court.



7. With the above directions, this Habeas Corpus Petition is disposed of.

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(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)

12-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mrp

To

1. The Superintendent Of Police (south Region)

Police Complex, Ariyankuppam,

Puducherry-605 007

2. The SHO/inspector Of Police

Law And Order, E1,

Mudaliyarpet Police Station,

133, Cuddalore Road,

Bharathidasan Nagar, Mudaliarpet,

Puducherry-605 004

3. The Public Prosecutor,

High Court of Madras, Chennai.



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