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HCP No.2235 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

CORAM

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

HCP No.2235 of 2025

V.K.K.Ramamoorthy
Son of Kalyanasundaram,
No.8, AVMC Complex, Kirukambakkam,
Manalmedu, Puducherry - 607 402.

Petitioner(s)

Vs

1.The Superintendent of Police
Puducherry Government,
4, Dumas Street, Puducherry - 605001.

2.The Station House Officer
Villianur Police Station, Puducherry 605110.

3.Balamurugan @ Gowdam
Son of Late Karthibabu,
No.35, Church Street, Villianur and Post,
Villianur and Post, Puducherry - 605 001.

4.Selvi
W/o.Late Karthibabu,



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NO.35, Church Street, Villianur and Post,
Puducherry - 605 001.

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5.Suriya @ Arjun
S/o.Late Karthibabu,
No.35, Church Street, Villianur and Post,
Puducherry 605 001.

6.Priya
W/o.Suriya @ Arjun,
No.35, Church Street, Villianur and Post,
Puducherry 605 001.

Respondent(s)

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents 1 and 2 herein to produce the petitioner's grandson Nithruv (minor), aged about 4 years, before this Court from the illegal custody of the respondents 3 to 6 and hand over to the petitioner.

For Petitioner(s): Mr.A.Ganesan

For RR 1 and 2: Mr.K.s.Mohandoss
Public Prosecutor (Puducherry)

ORDER

(Made by N.Sathish Kumar, J.)

This habeas corpus petition has been filed seeking to direct the



respondents 1 and 2 herein to produce the petitioner's grandson Nithruv (minor), aged about 4 years, before this Court from the illegal custody of the respondents 3 to 6 and hand over to the petitioner.

2. It is the case of the petitioner his daughter was married to the third respondent on 02.11.2019 and through the wedlock, they begot a male child *viz.* Nithruv, who is now aged about 4 years; while so, due to some matrimonial discord, his daughter committed suicide; after the death of his daughter, the respondents 3 to 6 used to show him his grandson every weekend; however, for the past seven months, they are not showing the child to him; despite his complaint, since the police are not taking any effective action in this regard, he has preferred the present habeas corpus petition with the above prayer.

3. A perusal of the entire affidavit filed by the petitioner indicates that the petitioner's daughter died and her child is in the custody of its natural guardian *viz.* Balamurugan @ Gowdam/third respondent, who is the father of the child.



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4. In such view of the matter, we are of the opinion that the child is not in the illegal custody of anyone, as the father of the child is the natural guardian. Admittedly, the mother of the child is also dead. At this stage, this Court cannot entertain this habeas corpus petition. If the petitioner wants the custody of the child, he can approach the lower Court concerned under the Guardians and Wards Act, 1890.

With the above observations, this habeas corpus petition stands closed.

(N.S.K., J.) (M.J.R., J.)

04.11.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes; Neutral Citation: Yes/No

nsd



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To

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2.The Station House Officer
Villianur Police Station, Puducherry 605110.

3.The Public Prosecutor,
Madras High Court, Chennai – 600 104.



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N.SATHISH KUMAR, J.
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