



H.C.P.(MD) No.237 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

HCP(MD)No.237 of 2025

Sudha

... Petitioner/Mother of
the Detenu

-Vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Korampallam,
Thoothukudi District.

2.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

3.Mahalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body or person of the petitioner's children the detenu Kanishka(aged 10 years) D/o.late Alaguselvakumar and Abishek (aged 8 years) S/o.late Alaguselvakumar now illegally detained by the 3rd respondent before this Court and hand over them custody to the petitioner.

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For Petitioner : Mr.R.Mathava Selvam
For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

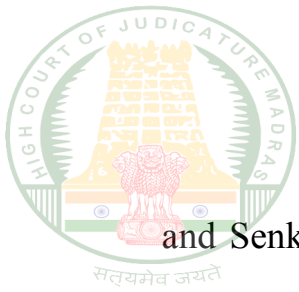
ORDER

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

The petitioner herein is the mother of two children is before this Court alleging that after the death of her husband, the children were illegally taken into custody by the third respondent, who is the sister of her deceased husband.

2.Today, the children were brought to this Court by the third respondent.

3.From interacting with the petitioner and the third respondent, it appears that till the death of the deceased Vijayan, the husband of the petitioner, were living in one roof as joint family. The third respondent had no issue was also taking care of the minor children. After the death of Vijayan, the petitioner herein has left the matrimonial home and presently at Senkottai and gainfully employed in a private firm at Tenkasi. The children are pursuing 6th and 4th Std., respectively in a private School at Kayathar and their examinations likely to be completed by 15th April 2025. The distance between the place where they are pursuing School



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and Senkottai where the petitioner resides is about 30 kms. This Court is of the view that at the interest of the children, their studies need not be disturbed at the fag end of the academic year.

4.Hence, the minor children shall continue to be with the third respondent till 15th April 2025. The petitioner shall visit the children as and when she likes. The third respondent shall allow the petitioner to be with the children and the custody of the children should be handed over to the petitioner on third week of April 2025 or soon after the completion of their examination which ever is earlier.

5.With the above direction, the Habeas Corpus Petition is disposed of.

[G.J., J.] & [R.P., J.]

24.02.2025

NCC : Yes / No
Index : Yes / No



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DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

Ns

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Korampallam,
Thoothukudi District.

2.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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