



H.C.P.(MD) No.826 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD) No.826 of 2025

R.Palani

... Petitioner/
Grandfather of detenu

Vs.

1.State of Tamil Nadu, Rep., by
The Superintendent of Police,
Madurai, Madurai District.

2.The Inspector of Police,
C-1, Oomachikulam Police Station,
Madurai District.

3.M.Anushya

4.Janani

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the first respondent directing the second respondent to produce the person or body of the petitioner's minor grandson Yaswanth, son of Dhivya, aged about 6 years before this Court and to handover the custody to the petitioner.

For Petitioner : Mr.NA.Palaniyandi



WEB COPY



H.C.P.(MD) No.826 of 2025

For RR1 & 2 : Mr.Nambi Selvan
Additional Public Prosecutor

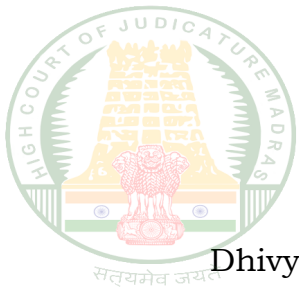
For RR3 & 4 : Mr.Yasar khan

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner has filed this petition seeking to issue Writ of Habeas Corpus, to direct the first respondent to direct the second respondent to produce the person or body of his minor grandson Yaswanth, son of Dhivya, aged about 6 years before this Court and to handover the custody of the child to the petitioner.

2. The case of the petitioner is that he has one son and one daughter. His daughter, namely Dhivya was married to one Saravanan, son of the third respondent on 10.03.2016. The fourth respondent is the daughter of the third respondent. Out of the wedlock, the petitioner's daughter and Saravanan were blessed with a male child Yaswanth. After the birth of his grandson, the petitioner's daughter, son-in-law were living with him in his house along with their child and the petitioner was taking care of his daughter, son-in-law and his grandson, Yaswanth. The petitioner's son-in-law passed away on 13.07.2024 and thereafter, on 12.03.2025, his daughter



H.C.P.(MD) No.826 of 2025

Dhivya passed away due to Breast Cancer after taking treatment for five years.

3. It is the further case of the petitioner that he was taking care of his grandson after the death of his daughter and son-in-law. The petitioner has also admitted his grandson Yaswanth in II Standard at CEOA Matric Higher Secondary School at Kosakulam, Madurai and Yaswanth is attending school from the house of the petitioner. While so, on 01.07.2025, at about 06.00 pm, the fourth respondent, along with her friend came to the house of the petitioner and asked the petitioner to send his grandson to her house for conducting ceremonies on the memorial day of Saravanan. Believing them, the petitioner has sent his grandson along with the fourth respondent. However, she has not returned the child to the petitioner. Respondents 3 and 4 also did not inform about the whereabouts of the grandson of the petitioner and the petitioner was also unable to contact his grandson. Since the petitioner was unable to find out the whereabouts of his grandson, the petitioner approached the second respondent and gave a complaint on 03.07.2025 and they have issued CSR receipt in No.111/2025. Despite the same, respondents 1 and 2 have not taken any steps to find out the whereabouts of the child. Therefore, the petitioner has filed the present habeas corpus petition.



H.C.P.(MD) No.826 of 2025

WEB COPY

4. When the matter was taken up for hearing on 17.07.2025, we directed the same to be listed today (21.07.2025). Today, the petitioner and the third respondent are present before this Court and the third respondent has brought her grandson.

5. From the submissions made and the records furnished before this Court, we find that the petitioner was taking care of his daughter and grandson and that the petitioner had admitted the child in CEOA Matric Higher Secondary School at Kosakulam, Madurai. It is seen that only from the custody of the petitioner, his grandson was taken by the third and fourth respondents.

6. Mr.Yasar Khan, learned counsel appearing for the third respondent submitted that the third respondent is the paternal grandmother and the fourth respondent is the paternal aunt and that they being the guardians, in the absence of the child's father and mother, they are entitled to have custody. However, he would submit that the child was taken from the custody of the petitioner on 01.07.2025 and now the child is in the custody of the third respondent. He also submitted that the child was feeling lonely and the fourth respondent is intending to take the child to Chennai and



H.C.P.(MD) No.826 of 2025

keep him in her house and admit him in Velammal Higher Secondary School and that is the reason respondents 3 and 4 are having the custody of the child.

7. We find that the child Yaswanth is studying in CEOA Matric Higher Secondary School, Kosakulam, Madurai and admittedly, he has been taken from the custody of the petitioner. Therefore, we restore the custody of the child to the petitioner. The third respondent is permitted to visit the child on Saturdays and Sundays after intimating the petitioner. However, we make it clear that this is a temporary arrangement and the observations made are for deciding the habeas corpus petition and the parties are at liberty to approach the competent authority for guardianship of the child.

8. Accordingly, this Habeas Corpus Petition is disposed of.

[A.D.J.C., J.] [R.P., J.]
21.07.2025

Index:Yes/No
Internet:Yes/No
NCC:Yes/No

abr

5/6



WEB COPY



H.C.P.(MD) No.826 of 2025

A.D.JAGADISH CHANDIRA, J.
and
R.POORNIMA, J.

abr

To

- 1.The Superintendent of Police,
Madurai, Madurai District.
- 2.The Inspector of Police,
C-1, Oomachikulam Police Station,
Madurai District.

Copy to:

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

H.C.P.(MD)No.826 of 2025

21.07.2025