HIGH COURT OF ANDHRA PRADESH

* * * *

WRIT PETITION NO: 32567 OF 2026

Between:
Kancharla Durga Lavanya

.....PETITIONER

AND
The State of Andhra Pradesh and 4 others

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED : 10.11.2026
DATE OF JUDGMENT UPLOADED : .11.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
&
THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR

1. *Whether Reporters of Local newspapers may be allowed to see the Judgments?* *Yes/No*

2. *Whether the copies of judgment may be marked to Law Reporters/Journals* *Yes/No*

3. *Whether Your Lordships wish to see the fair copy of the Judgment?* *Yes/No*

_____
RAVI NATH TILHARI, J

_____
ALAPATI GIRIDHAR, J

APHC010594252026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**
&
*** THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR**

\+ **WRIT PETITION NO: 32567 OF 2026**

% 10.11.2026

Between:
Kancharla Durga Lavanya

.....PETITIONER

AND
The State of Andhra Pradesh and 4 others

.....RESPONDENTS

! Counsel for the Petitioner : Doddaka Harsha Vardhan

Counsel for the Respondents :

< Gist :

> Head Note:

? Cases Referred:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION NO: 32567 OF 2026

ORDER :- *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri D.Harsha Vardhan, learned counsel for petitioner.

2. Learned counsel for the petitioner submits that the minor child aged about 10 years of the petitioner is in the custody of respondent No.4 – father (husband of the petitioner).

3. He further submits that in FCOP.No.237 of 2026 filed by the present petitioner seeking divorce from respondent No.4, an exparte decree has been passed on 17.04.2026 dissolving the marriage.

4. Learned counsel for the petitioner submits that the present habeas corpus petition has not been filed seeking custody of the minor to the petitioner but to set the minor at liberty. He submits that the custody with the father is an illegal custody.

5. The prayer in the writ petition is as follows:

> "… pleased to issue a writ or order or direction more particularly one in the nature of Writ of Habeas Corpus directing the Respondent Nos.2 and 3 to trace, secure and produce the minor son of the petitioner, Master Pasam Gopala Krishna, aged about 10 years, before this Hon'ble Court and upon such production, to set the minor child at liberty from the illegal detention and concealment of the Respondent Nos. 4 and 5 and consequently declare the action of the Respondent Nos. 4 and 5 in illegally detaining and concealing the whereabouts of the minor child as illegal, arbitrary and violative of Article 21 of the Constitution of India and to pass such other order or orders…"

6. We are not convinced with the submissions advanced by the learned counsel for the petitioner. **Firstly**, the custody of the minor child with the father ordinarily cannot be said to be an illegal custody. There is also no averment pointed out to us, as to how the custody of the minor child with the father is an illegal custody. **Secondly**, there is no prayer seeking custody of the minor from the father, by the petitioner. The rayer is to set the minor at liberty. We cannot set the minor aged about 10 years at liberty so as to go anywhere after taking him out of the custody of the father who under law is a natural guardian, and as that would also be contrary to the welfare of the child.

7. The Writ Petition of Habeas Corpus is dismissed. However, at request liberty is granted to the petitioner to seek appropriate remedy as may be open under law in appropriate proceedings as may be advised.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

ALAPATI GIRIDHAR, J

Date: 10.11.2026
Note: LR copy to be marked
B/o.
AG

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

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