



HCP No. 1098 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1098 of 2026

M.V.Manikandan
S/o. Velayutham,
Presently residing at
No.929/2, M.G.R. Nagar,
Aadayapulam Road,
Sevur Village,
Aarani Taluk. Thiruvannamalai District.

..Petitioner(s)

Vs

1. The Superintendent of Police
Thiruvannamalai, Thiruvannamalai District.
2. The Inspector of Police
Arni Taluk Police Station,
Thiruvannamalai District.
3. Amulu
W/o. Santhalingam, Sevur Village,
Aarani Taluk, Thiruvannamalai District.
4. Santhalingam
S/o. Not known, Sevur Village, Aarani Taluk,
Thiruvannamalai District.
5. Vijay
S/o. Santhalingam, Sevur Village,
Aarani Taluk, Thiruvannamalai District.



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6. The District Child Welfare Officer,
District Child Welfare Committee,
District Collector Office,
Thiruvannamalai District.

..Respondent(s)

*[R6 suo motu impleaded by order of this Court [ASMJ & SMJ] dated
18.06.2026.]*

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus, directing the 2nd respondent herein to produce the body of the petitioner's daughter the detenu namely Kimaya D/o. M.V. Manikandan aged 9 years before this Court and hand over custody to the petitioner.

For Petitioner(s): Mr.M.Vignesh

For Respondent(s): Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side) (for R1 and R2)

Mr.P.Muthamizhselvakumar
(for R3 to R5)

Ms.A.Suganya,
Government Counsel (for R6)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The petitioner who is the father of the detenu, a minor girl aged about 9 years, has filed the above Habeas Corpus Petition claiming that she is in the illegal custody of the 3rd respondent.



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2. The petitioner and the 3rd respondent's daughter got married and out of the wedlock, the detenu was born. The petitioner's wife died in an accident on 12.04.2026. Thereafter, the child is in the custody of the 3rd respondent, who also happens to be his cousin sister.

3. We interacted with the parties.

4. We find that the petitioner was working in Malaysia and used to visit his wife and child once a year. It appears that the wife and child of the petitioner were living three houses away from the house of the 3rd respondent and therefore, the 3rd respondent took care of the child ever since her birth.

5. According to the petitioner, his parents and his sister-in-law, who live in Coimbatore, would be able to take care of the child even if he had to go abroad for employment.

6. The question in this petition is whether the child is in illegal custody. The child who is in the custody of the grandmother, viz., the 3rd



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respondent, has been in such custody ever since her mother passed away.

Even according to the petitioner, he had visited the child only once a year when he was employed in Malaysia and returned for good only last year, just before his wife's demise.

7. The 3rd respondent is none other than the cousin sister of the petitioner as stated above. Considering the fact that the child is comfortable in the present environment and is pursuing her education, we are of the view that it would be in the best interest of the child to remain in the custody of the 3rd respondent for the present. The petitioner is free to visit the child at his convenience, and the third respondent shall not object to such visitation.

8. We are also inclined to observe that the above order would not stand in the way of the petitioner seeking custody of his child in the manner known to law. As and when such a petition is filed, it is needless to say that the Court concerned would decide the same without being influenced by any of the observations made by us, in this order.



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9. With the above observations, we close the Habeas Corpus

Petition.

(A.S.M.,J.) (S.M.,J.)
30-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Superintendent of Police
Thiruvannamalai,
Thiruvannamalai District.
2. The Inspector of Police
Arni Taluk Police Station,
Thiruvannamalai District.
3. The District Child Welfare Officer,
District Child Welfare Committee,
District Collector Office,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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