



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.01.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND

THE HON'BLE MR. JUSTICE J.A.K. SAMPATH KUMAR

HAPEAS CORPUS PETITION NO.96 OF 2006

M. Subba Reddy
Chennai-2

.. Petitioner

Vs.

1. The Commissioner of Police
Chennai Greater City
Egmore, Chennai 600 008.

2. The Assistant Commissioner of Police
Vadapalani Police Station
Vadapalani, Chennai 600 026.

3. The Inspector of Police
Virugambakkam Police Station
Virugambakkam, Chennai 600 092.

4. K. Vivekananda Reddy

5. Vijayalakshmi Vivekananda Reddy

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner :Mr. S. Thiruvenkataswamy

ORDER

(Order Of The Court Was Made By P.SATHASIVAM,J.)

The petitioner, M. Subba Reddy filed this petition seeking direction to the respondents to produce his daughter Minor M. Sai Sirisha before this Court and hand over custody to him.



WEB COURT

2. In the affidavit filed in support of the above petition it is stated that 4th and 5th respondents are father and mother of his deceased wife Subbalakshmi. The petitioner married 4th respondent's daughter on 20.12.1991. Out of the wed-lock with Subbalakshmi, a female baby by name Sai Sirisha was born on 08.11.1995. On 17.08.1999, his wife committed suicide in the house of 4th respondent. Considering the welfare of his daughter, the petitioner went to abroad to provide all facilities to her in future to lead a comfortable life. During that time, the child was allowed to be with the 4th and 5th respondents as per the advice of the family members. His daughter was admitted in 2nd Standard in Chinmaya Vidhyalaya School, Chinmaya Nagar, Virugambakkam at Chennai and his mother-in-law is also stayed in his flat. After the death of his mother, petitioner contacted 4th respondent to ascertain about his daughter, since he did not give any reply, the petitioner made a complaint to the first respondent, who in turn forwarded the same to the second respondent to enquire the matter. In spite of several reminders, there was no response from respondents 1 to 3, the petitioner approached this Court by way of the present writ petition.

3. We heard the learned counsel for the petitioner.

4. It is not in dispute that respondents 4 and 5 are none else than the maternal grand parents of minor girl by name Sai Sirisha. It is also seen that all along the child Sai Sirisha is living with respondents 4 and 5. Though the petitioner is entitled custody of his minor daughter, we are of the view that this is not the appropriate forum to go into the said aspect. Admittedly, the petitioner has not filed a petition before the concerned Court seeking custody of his minor daughter. Considering the relationship of the parties and of the fact that respondents 4 and 5 are maternal grand parents of the minor child Sai Sirisha, aged about 10 years, we are of the view that the grievance expressed by the petitioner cannot be gone into in this petition. On this ground, this petition is dismissed. However, the petitioner is free to move the appropriate forum to vindicate his grievance.

Kh

Sd/

Asst.Registrar

/true copy/

Sub Asst.Registrar



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To

1. The Commissioner of Police
Chennai Greater City
Egmore, Chennai 600 008.
 2. The Assistant Commissioner of Police
Vadapalani Police Station
Vadapalani, Chennai 600 026.
 3. The Inspector of Police
Virugambakkam Police Station
Virugambakkam, Chennai 600 092.
 4. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.S.Thiruvenkataswamy, Advocate, SR No.3561

JE(CO)
BG/21.2.2006

HCP.No.96 of 2006