

(2006) 03 MAD CK 0358

In the Madras High Court

Case No : Habeas Corpus Petition No. 227 of 2006

Baji Rao

APPELLANT

Vs

Lakshmiammal and Inspector of Police

RESPONDENT

Date of Decision : 07-03-2006

Acts Referred:

Citation : (2006) 03 MAD CK 0358

Hon'ble Judges : P. Sathasivam, J;J.A.K. Sampathkumar, J

Bench : Division Bench

Advocate : Thenkodi Nelson, for the Appellant;

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—The petitioner by name Baji Rao, has filed this petition for production of his grandson, Senbagaraman before this Court and hand over the custody to him.

2. A perusal of the averments made in the affidavit show that the first respondent is none else than the maternal grand mother of the detenu, whereas the petitioner is a paternal grand father. It is also seen that the detenu has lost his father in the year 1998 and the mother in 2002. The affidavit further proceeds that after the death of petitioner's daughter, the first respondent persuaded the detenu, minor boy, to go along with her, just for two days and thereafter the boy was not allowed to join with the petitioner.

Considering the fact that the petitioner as well as the first respondent are interested for the welfare of the minor and the parents of the detenu are not alive, we are of the view that the question regarding custody of the minor boy had to be considered by the competent forum and the same cannot be agitated before this Court by filing habeas corpus petition. Further, we are satisfied that inasmuch as the first respondent being a maternal grand mother and the detenu is with her, it cannot be construed as illegal detention by the first respondent. All these have to be agitated before the appropriate forum. Giving liberty to the

petitioner to move the concerned Court, this petition is dismissed.