



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

[3585]

THURSDAY, THE TWENTY FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 14470/2026

Between:

1.S.MYMUNNISA,, W/O M.MANSOOR VALI, D/O KABLA HUSSENI,
AGED ABOUT 25 YEARS, R/O H.NO. 18/1219/17, MINORITY
COLONY, YEMMIGANUR TOWN AND MANDAL, KURNOOL
DISTRICT

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, HOME DEPARTMENT, SECRETARIAT, AMARAVATI,
GUNTUR DISTRICT-522237

2.THE STATION HOUSE OFFICER, YEMMIGANUR TOWN POLICE
STATION, YEMMIGANUR TOWN AND MANDAL, KURNOOL
DISTRICT -518360

3.THE SUPERINTENDENT OF POLICE, KURNOOL DISTRICT, AP-
518360

4.M MANSOOR VALI, S/O M.SHAIKSHA VALI, R/O H.NO. 5/2458-1,
LAKSHMI PETA, YEMMIGANUR TOWN, KURNOOL DISTRICT, AP-
518360

5.PARVEEN BANU, D/O M.SHAIKSHA VALI R/O H.NO. 5/2458-1,
LAKSHMI PETA, YEMMIGANUR TOWN, KURNOOL DISTRICT, AP-
518360

...RESPONDENT(S):

Counsel for the Petitioner:

1. CHALLA HRUDAY RAJ

Counsel for the Respondent(S):

1. THE ADVOCATE GENERAL

The Court made the following:

ORDER:

(Per Hon'ble Dr. Justice Y. Lakshmana Rao)

The Writ Petition has been filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue writ, order or direction more particularly one in the nature of Writ of Habeas Corpus directing Respondents to produce the minor child, namely Aliya Fathima, before this Hon'ble Court and upon such production be pleased to restore the custody of the child to the Petitioner, declaring the illegal detention and forcible removal of the child by Respondent Nos.4 and 5 as arbitrary, illegal and violative of Article 21 of the Constitution of India....”

2. Heard the learned counsel for the Petitioner and the learned Assistant Government Pleader and perused the record.

3. Pursuant to the directions issued by this Court on 14.05.2026, the daughter of the Petitioner and Respondent No.4, namely Aliya Fathima, has been produced before this Court by Respondent No.3. Respondent No.4 states that the child is 3½ years old, whereas the Petitioner asserts that the child is 4 years old.

4. Respondent No.4 submits that the child has been residing with him ever since the Petitioner left his company, and that he has been providing her education and taking care of her needs.

5. In the considered opinion of this Court, the Petitioner has an alternative efficacious remedy of filing an appropriate petition before the competent Court under the provisions of the Guardians and Wards Act, 1890, seeking custody of the child. It is true that Section 6(a) of the Hindu Minority and Guardianship Act, 1956 provides that the custody of a minor who has not completed the age of five years shall ordinarily be with the mother. However, upon being interviewed, the minor expressed her desire to live with her father.

6. Having regard to the facts and circumstances of the case, and considering that the Petitioner is the natural mother of the child, she is entitled to visitation rights irrespective of the child's age. The Petitioner is therefore entitled to have the company of the child.

7. Accordingly, the Chairman, Mandal Legal Services Committee, Yemmiganur, is directed to appoint one lady legal aid counsel before whom the Respondent No.4 shall produce the child every Sunday. The child shall remain with the Petitioner/Mother until 6:00 PM on such days.

8. In the meantime, the Petitioner is at liberty to file an appropriate petition before the competent Court having jurisdiction in accordance with law for custody of the child. This interim arrangement shall continue for a period of three (03) months, within which the Petitioner is expected to pursue her remedies in accordance with law.

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

BALAJI MEDAMALLI, J

Date: 21.05.2026

PRA

05

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO
AND
THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 14470 of 2026
(Per Hon'ble Dr.Justice Y. Lakshmana Rao)

Date: 21.05.2026
PRA