

APHC010703222025



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

[3558]

WEDNESDAY, THE TWENTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 36074/2025

Between:

1. THAGEERU MANJULA, W/ O. MUNISWARAIAH, AGED ABOUT 39 YEARS, OCC HOUSE HOLD, R/O. SADDIKUILAPALLY MADIGAPALLY VILLAGE, VEDURUKUPPAM MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

1. THE STATION HOUSE OFFICER, VEDURUKUPPAM POLICE STATION, VEDURUKUPPAM MANDAL, CHITTOOR DISTRICT. 2)

2. THE INSPECTOR OF POLICE, KARVETI NAGARAM CIRCLE, CHITTOOR DISTRICT. 3).

3. THE DEPUTY SUPERINTENDENT OF POLICE, NAGIRI, CHITTOOR DISTRICT. 4)

4. THE SUPERINTENDENT OF POLICE, CHITTOOR, CHITTOOR DISTRICT. 5).

5. THE STATION HOUSE OFFICER, BAKRAPETA POLICE STATION, BAKRAPET, TIRUPATHI DISTRICT.

6. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT

SECRETARIAT,GUNTURDISTRICT. 7).

7.ERUVARAM CHANDU, W/O.RAM MURTHY, AGED ABOUT 27 YEARS, R/O.NAGIRIPALLY MADHIGAPALLY VILLAGE, CHINNAGOTTIGALLU MANDAL, TIRUPATHI DISTRICT

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toPleased to issue a writ or order or direction more particularly in the nature of Writ of Habeas Corpus to direct the Respondents No.1 to 5 to produce the daughter of the Petitioner named Thageeru Keerthi D / o. Muniswaraiah, aged about 17 years, R/o.Saddikullapally Madigapally Village, Vedurukuppam Mandal, Chittoor District before this Honhle Court and set her at liberty in the interest of Justice

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to implead the petitioner herein viz., T. Keerthi, D/o. T. Muneeswaraiah to implead as respondent No.8 in W.P.No. 36074/2025 of this Hon'ble Court and pass

Counsel for the Petitioner:

1.P NAGENDRA REDDY

Counsel for the Respondent(S):

1.THE ADVOCATE GENERAL

The Court made the following:

ORDER:- (Per Hon'ble Sri Justice Cheekati Manavendranath Roy)

This writ petition for Habeas Corpus under Article 226 of the Constitution of India is filed by the petitioner seeking direction to official respondents 1 to 6 to produce the corpus by name Thageeru Keerthi, who is the minor daughter of the petitioner before the Court and then to set her at liberty.

2. Heard Sri K.Sazid, learned counsel, representing Sri P.Nagendra Reddy, learned counsel for the petitioner and learned Assistant Government Pleader attached to the office of learned Advocate General for official respondents 1 to 6.

3. As it is found from the material on record that the corpus is a minor and this writ petition is being disposing of with a direction to keep her in "One Stop Centre, Tirupati", till she attains her age of majority, notice to respondent No.7 is dispensed with.

4. The corpus by name Thageeru Keerthi is the daughter of the petitioner. According to the petitioner, the corpus is aged about 17 years and she is a minor. It is alleged that the corpus was kidnapped by respondent No.7 on 09.12.2025 and since then, she has been in illegal custody of respondent No.7. Even though the petitioner has lodged a report with the police, they did not take appropriate action to trace the corpus and to give her custody to the petitioner. Therefore, the petitioner has filed this writ petition seeking the aforesaid relief.

5. On 08.01.2026, when the matter came up for hearing before the Court, we have directed the 1st respondent-Station House Officer, Vedurukuppam Police Station to produce the corpus before the Court today i.e. on 21.01.2026. Complying with the said direction, the corpus is produced before

the Court today. We have personally interacted with the corpus in our Chambers in isolation. She has stated that she was born on 08.05.2007 and that she is now aged about more than 18 years and she is a major. She has also produced the copies of her school certificates i.e. (1) 10th Class Marks list, (2) Aadhar card and (3) Marks list of Intermediate in proof of her date of birth. She further stated that her parents are compelling her to marry her maternal uncle against her wish and they have also by force performed her marriage with her maternal uncle by name Hemasekhar on 09.11.2025 and thereafter she went away with respondent No.7 by name Eruvaram Chandu with whom she is in love and that they both got married on 09.12.2025 in Vakulamatha Temple and since then she has been living with the 7th respondent. It is also stated by her that her parents got enraged against her as she married the 7th respondent against their wish and that they are also trying to kill her. Therefore, she emphatically stated that she is not willing to accompany her parents and live with them. She stated that she intends to live only with the 7th respondent whom she married.

6. The petitioner has produced the extract of the birth certificate of the corpus. Her date of birth in it is shown as 08.05.2008. Therefore, the date of birth as mentioned in the school records as well as Aadhar card which are produced by the corpus is not tallying with the date of birth mentioned in the birth certificate of the corpus. It is well settled law that when there is inconsistency between the school record and the birth certificate, the entry in the birth certificate prevails, as the said entry is made by a Public Officer in a Public Register in discharge of his official duty. So, the presumption of genuineness is attached to the entry made in the birth certificate. Further, to corroborate the said entry made in the birth certificate, the petitioner has also produced the certificate issued by the Medical Officer of Primary Health Centre showing the date of birth of the corpus as 08.05.2008. So, these two documents *prima facie* prove that the date of birth of the corpus is 08.05.2008.

If that be the case, she is a minor at present. She would attain her age of majority only on 08.05.2026 after a period of four (04) months. The Apex Court in the case of **CIDCO v. Vasudha Gorakhnath Mandevlekar**¹ held that the deaths and births register maintained by the statutory authorities raises a presumption of correctness and such entries made in the statutory registers are admissible in evidence in terms of Section 35 of the Evidence Act and it would prevail over an entry made in the school register and particularly, in the absence of proof that the same was recorded at the instance of the guardian of the person. In arriving at the said conclusion, the Apex Court relied on the earlier judgment of the Supreme Court rendered in the case of **Birad Mal Singhvi v. Anand Purohit**².

7. Even though the corpus is a minor and her parents being the natural guardians are entitled to her custody, as the corpus has refused to accompany her parents and live with them, it is not possible to direct her by force to stay with them against her wish. Even though she has expressed her intention to stay with the 7th respondent whom she married, as she is a minor at present, it is not permissible under law to permit her to accompany the 7th respondent also during the period of her minority. After she attains the age of her majority, she got right to choose where to live and with whom to live. Till then, an appropriate order to be passed to protect her and to provide stay for her at appropriate place. Therefore, we deem it appropriate to direct the respondent-police officials to keep the corpus in “One Stop Centre, Tirupati” till 08.05.2026 till she attains her age of majority. Thereafter, she is at liberty to take a decision as to where to live and with whom to live.

8. Even though the marriage was performed by the parents of the corpus with her maternal uncle by name Hemasekhar on 09.11.2025 and even though she subsequently married the 7th respondent, both the marriages took

¹ (2009) 7 SCC 283

² AIR 1988 SC 1796

place while she was a minor. After she attains the age of her majority, she is at liberty to take a decision to ratify anyone of the marriages which she intends to ratify. We are making it clear that we are not deciding anything on the validity of the said marriages.

9. Therefore, in view of the above, the Writ Petition is disposed of with a direction to the respondent-police officials to keep the corpus in the custody of “One Stop Centre, Tirupati”, maintained by Women and Child Welfare Department, Tirupati, till she attains her age of majority on 08.05.2026. They shall take care of her welfare till then. There shall be no order as to costs.

Copy of the order shall also be sent to the Chairman, Child Welfare Committee, Chittoor District, for taking appropriate steps.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 21.01.2026

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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

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Date: 21.01.2026

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