

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2026

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CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

HCP(MD) No.907 of 2026

B.Manikandan

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District

2. The Inspector of Police
Vijayanarayanam Police Station,
Tirunelveli District

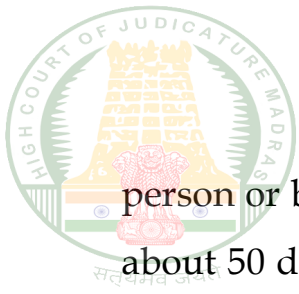
3. The Chair Person/Members
Child Welfare Committee,
Tirunelveli District

4. The District Child Protection Officer (DCPO)
District Child Protection Unit (DCPU)
Palayamkottai
Tirunelveli- 627 008

5. Flora

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to produce the



person or body of the detenu, no anmed the new born infant male child aged about 50 days born on 18.05.2026 at Tirunelveli Medical College Hospital (IP NO.57144) to the fifth respondent before this Court and hand over him custody to the petitioner.

For Petitioner : M/s.Nandhini Priyadharshini

For Respondents : Mr.D.Venkatesh
Counsel for the State of Tamil Nadu(Crl.Side)

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

Alleging that the infant child born out of a consensual relationship between the petitioner and the fifth respondent who has been handed over to the third respondent i.e.,the Child Welfare Committee and that the child is to be given on adoption by the third respondent the petitioner i.e. the biological father of the said child has now approached this Court by way of this petition.

2. The learned Counsel appearing for the State of Tamil Nadu on instructions, submitted that the petitioner and the fifth respondent are both residents of South Pappankulam, Tirunelveli District and they were in a consensual relationship. Due to the consensual relationship the fifth



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respondent got conceived and she delivered a child on 18.05.2026 at Tirunelveli Medical College Hospital and that an information was given by the Tirunelveli Medical College Hospital authorities to the second respondent stating that the said child was born out of a consensual relationship between the petitioner and the fifth respondent. Meanwhile, the fifth respondent i.e., the biological mother of the child, had also preferred a complaint with the second respondent stating that the said child was born out of a consensual relationship and that the petitioner who is the biological father had refused to take due care of the child. Based on her complaint, an enquiry was conducted in CSR No. 0076 of 2026, and the petitioner had failed to attend the enquiry. That being so, the fifth respondent being unable to take care of the child by herself had handed over the custody of the said child to the third respondent with the aid and assistance of 'Jeba Child Help Line'. Thereafter, since no one had approached the third respondent seeking the custody of the said child, the said child was handed over to Nesakaram Specialized Adoption Agency situated at No. 6, Shesaiyaa Road, Rajagopalapuram Post, Pudukottai District for being taken care. On the other hand, the petitioner who had failed to attend the enquiry conducted by the second respondent and the third respondent had preferred an online



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complaint to the first respondent alleging that he was prevented from visiting his child. Thereafter, he had also approached the third respondent seeking custody of the said child. Whereupon, the third respondent had directed the petitioner to approach them alongside the fifth respondent. The petitioner without approaching the fifth respondent has now filed this present petition.

3. When the matter was taken up for hearing today, the petitioner and the fifth respondent were present before this Court and when we enquired with the petitioner and the fifth respondent, both of them admitted their consensual relationship and further stated that thereby the fifth respondent became pregnant and owing to which the said child was born on 18.05.2025. The birth of the said child has been registered on the file of the said Hospital as Birth Registration ID No. 315010260473952. It is also submitted by them that due to some difference of opinion between the two of them and owing to the fact that the fifth respondent was unable to take care of the said child by herself, she had surrendered the said child to the third respondent. The fifth respondent would reiterate that the petitioner is the biological father of the said child and that the two of them have now resolved their difference and

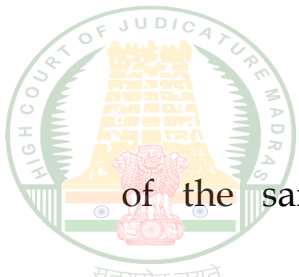


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that therefore, she has no objection in handing over the custody of the said child to the petitioner. The fifth respondent lastly submitted that appropriate orders may be passed by the third respondent in this regard. Further she has also filed an affidavit attesting all that has been stated herein above. The petitioner would also submit that he is willing and capable of taking care of the said child and that therewith he is ready to appear before the third respondent alongside the fifth respondent for obtaining appropriate orders from the third respondent with regards to the custody of the said child.

4. The Child Protection Officer who is also present before this Court had on behalf of the third respondent submitted that the enquiry would be conducted by the third respondent in accordance with the procedure established under law and thereby appropriate orders would come to be passed in regards to the custody of the said child.

5. Having heard all the parties present before this Court and having heard the learned counsel on either side, this Court directs the second respondent to produce the petitioner and fifth respondent before the third respondent for the enquiry to be conducted in respect of the grant of custody



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of the said child to the petitioner on 15.07.2026 at 11.00 a.m., and consequently upon completion of the said enquiry, the third respondent shall pass appropriate orders granting custody of the said child to the petitioner if he is found eligible for the grant of custody thereof.

6. Recording the same, the Habeas Corpus Petition stands closed.

[A.D.J.C., J.] & [R.P., J.]
13.07.2026

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 14.07.2026

To

1.The Superintendent of Police,
Tirunelveli District

2. The Inspector of Police
Vijayanarayanam Police Station,
Tirunelveli District

3. The Chair Person/Members
Child Welfare Committee,
Tirunelveli District

4. The District Child Protection Officer (DCPO)
District Child Protection Unit (DCPU)
Palayamkottai
Tirunelveli- 627 008



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5. The Officer- in -Charge

Nesakaram Specialized Adoption Agency
situated at No. 6, Shesaiyaa Road,
Rajagopalapuram Post, Pudukottai District

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

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