

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.29807/2014 & MP.No.1/2014

R.K.Kanthimathi @ Loka

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Petitioner

Versus

1.The Chairperson
Child Welfare Committee
Government Observation Home
NGO Colony Bus Stop
Melapalayam P.O, Tirunelveli-627003.

2.The District Collector,
Collectorate, Tirunelveli 627009.

3.The Inspector of Police
Ellathur Police Station
Ellathur Sencottai Main Road
Ellathur, Tirunelveli District 627803.

4.Mrs.Kanthimathi

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to expeditiously take action on the representation of the petitioner dated 29.09.2014.

For Petitioner

: M/s.R.Anitha for

M/s.S.Ramasamy Law Associates

For R1 to R3

: Mr.V.Jayaprakash Narayanan

Special Govt. Pleader

ORDER

Heard M/s.R.Anitha, learned counsel appearing for the petitioner and Mr. V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

2.The petitioner has filed the above writ petitions seeking for issuance of a writ of mandamus to direct the respondents 1 to 3 to take action expeditiously on her representation dated 29.09.2014.

3.Though the respondents 1 and 4 have been served and their names are printed in the cause list, none appears for them.

4.The dispute in this writ petition is between the mother-in-law [petitioner] and the daughter-in-law [4th respondent]. The allegation is that the 4th respondent is not sending her 13 year old minor boy to school and is keeping him in the house and is not taking care of him and he is put to lot of hardship. In this regard, representations are pending with the authorities. As rightly pointed out by the learned Special Government Pleader appearing for the respondents 1 to 3, it appears to be an internal family dispute. Nevertheless, there is a complaint made by the petitioner stating that the minor boy is not give due care and attention. However, the correctness of the allegations made by the petitioner, cannot be adjudicated in this writ petition, more so, when the 4th respondent has not entered appearance through a counsel or in person.

5.Therefore, the 1st respondent is directed to first, discretely verify as to whether the allegations made by the petitioner are true and on such discrete verification, if it is prima facie found that the allegations made in the complaint are true, then the 1st respondent is directed to proceed in accordance with the provisions of the Juvenile Justice [Care and Protection of Children] Act. However, on such discrete enquiry, if it is found that the complaint is vexatious or false, then the 1st respondent is directed to close the matter and submit a report to the District Collector. The above exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

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/True Copy/

Sub Assistant Registrar

AP

To

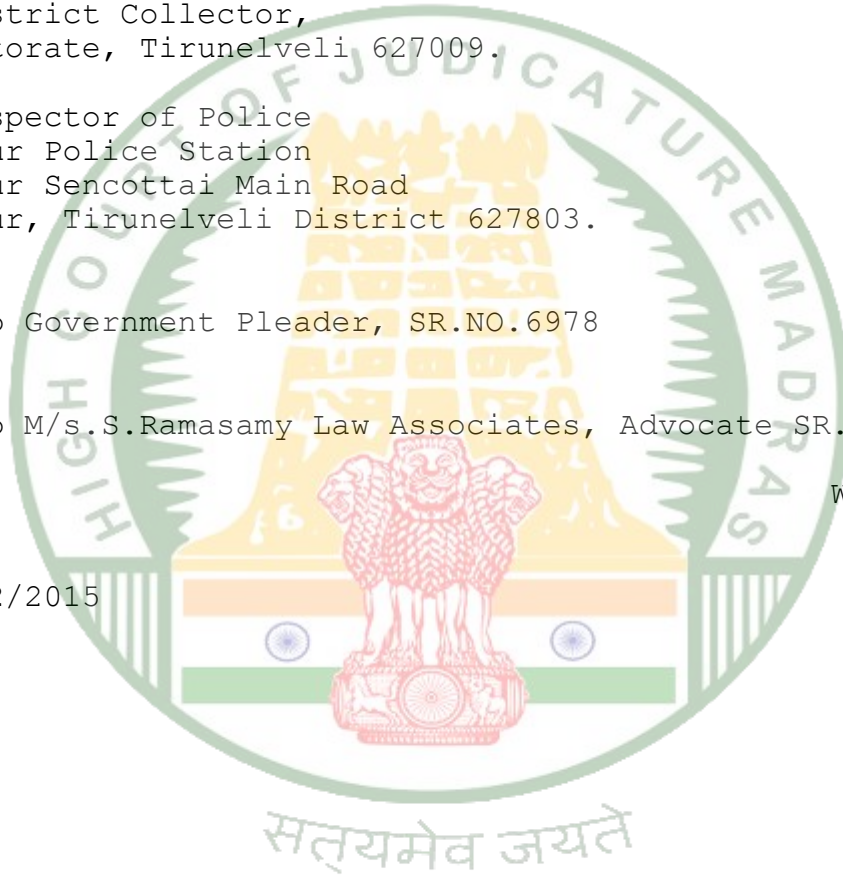
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+1 CC to Government Pleader, SR.NO.6978

+1 CC to M/s.S.Ramasamy Law Associates, Advocate SR.NO.6908

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VSN(CO)
DRL :21/02/2015



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