



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.10.2015

CORAM:
THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR. JUSTICE V.S.RAVI

H.C.P.(MD)No.1402 of 2015

Premkumar @ Premsinghkunvar

... Petitioner

Vs.

1. The Superintendent of Police,
Trichy District.
2. The Deputy Superintendent of Police,
Musiri, Trichy District.
3. The Sub Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
4. The District Collector, Trichy District.
5. The District Social Welfare Officer,
Collector Office Campus, Trichy District.
6. The President,
Child Welfare Committee,
E.B. Road, Trichy District.
7. The Manager,
"SONTHAM",
Child Welfare Home,
Near Atlas Hospital,
Mainguard Gate,
VN Nagar, Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 to 6 to produce the petitioner's son Santhosh @ Santhoshkunvar, aged 19 years, illegally detained in 7th respondent private home "SONTHAM", Child Welfare Home, Near Atlas Hospital, Mainguard Gate, VN Nagar, Trichy, before this Court and set him at liberty.

For Petitioner	: Mr.K.Muthumalai
For Respondents	: Mr.K.S.Duraipandian,
1 to 6	Addl. Public Prosecutor
For 7 th respondent	: No appearance

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this Habeas Corpus Petition on the allegation that his son Mr.Santhosh @ Santhoshkunvar, aged about 19 years, is illegally detained in the 7th respondent home, on the order of the sixth respondent.



2. Today, when the matter was taken up, the respondents 6 & 7 produced Mr. Santhosh @ Santhoshkunvar. The petitioner is also present. Though the petitioner claims that Mr. Santhosh @ Santhoshkunvar is 19 years old, it is alleged by the sixth respondent that Mr. Santhosh @ Santhoshkunvar is a child in terms of the provision of Juvenile Justice (Care and Protection of Children) Act, 2000. Now, he has been detained under the 7th respondent home, which is a recognised home, as per the order of the sixth respondent. The sixth respondent has got power to do so. If anybody is aggrieved over the same, the remedy for them is to file an appeal to the Court of Sessions. In this case, the petitioner has not filed any appeal. In our considered view, when there is no illegal detention and Santhosh @ Santhoshkunvar has been kept in the home only on the order of the sixth respondent, the petitioner can work out his remedy before the Court of Sessions by filing an appeal against the order of the sixth respondent. When this was pointed out, the learned counsel for the petitioner would submit that if the order of the sixth respondent is produced, the petitioner would work out his remedy before the appropriate forum. Therefore, the sixth respondent is directed to furnish a copy of the order to the petitioner forthwith.

3. In such view of the matter, this petition is dismissed, leaving it open to the petitioner to work out his remedy before the appropriate forum. Santhosh @ Santhoshkunvar shall be taken back to the home by the 7th respondent and he shall be kept in the home, as per the order of the sixth respondent.

sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

gcg

To

1. The Superintendent of Police, Trichy District.
 2. The Deputy Superintendent of Police, Musiri, Trichy District.
 3. The Sub Inspector of Police, Uppiliyapuram Police Station, Trichy District.
 4. The District Collector, Trichy District.
 5. The District Social Welfare Officer, Collector Office Campus, Trichy District.
 6. The President, Child Welfare Committee, E.B. Road, Trichy District.
 7. The Manager, "SONTHAM", Child Welfare Home, Near Atlas Hospital, Mainguard Gate, VN Nagar, Trichy.
 8. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +one cc to M/s. K. Muthumalai, Advocate in SR.No.59092

H.C.P. (MD) No.1402 of 2015
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