

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1974 of 2017

K. Senthilkumar ... Petitioner
-vs-

1. The State rep. By
Inspector of Police,
Sevur Police Station,
Tiruppur District.

2. P.Arumugam ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing Respondents to produce the detainee namely Ramathal, daughter of Arumugam, aged about 17 years or her body before this Court and set her at liberty.

For Petitioner : Mr.P. Saravanan
For Respondents: Mr. V.M.R.Rajentran
Additional Public Prosecutor

O R D E R

[Order of the Court was made by RAJIV SHAKDHER,J.]

1. The Superintendent Sr. Victoria, Tiruppur Auxilium Salesian Sisters Society, "Marialaya", 8/1E/122, Kasthuri Bai Street, Anna Nagar, Ammapalayam, Anupparpalayam Post, Tiruppur, is present in Court, along with the detainee/Ms. Ramathal.

2. We have interacted with the Superintendent as well as the detainee/Ms.Ramathal.

3. The petitioner is also present in Court. We have spoken to him as well.

4. The petitioner claimed that he has not married the detainee/Ms. Ramathal. The detainee/Ms. Ramathal today tells us that, though she had informed us on the previous date that, she had married the petitioner, that is not the correct position.

5. To be noted, in these proceedings we are not concerned whether the detainee has married or not.

6. The detainee. Ms. Ramathal has clearly communicated to us that she would want to be housed in "Mariyalaya" Home, as her parents are forcing her to get married, even though she is not ready for marriage.

7. In these circumstances, we direct the Superintendent of "Mariyalaya" Home, Ammapalayam, Tiruppur, to house the detainee and produce her before the Child Welfare Committee, Tiruppur, (in short CWC) for further orders.

8. The parents of the detainee/Ms.Ramathal will be entitled to appear before the CWC and state their case. The CWC will pass orders in the matter keeping the best interest of the detainee in mind, In the meanwhile the Superintendent, "Mariyalaya" Home, Ammapalayam, Tiruppur, will allow the parents of the detainee/Ms.Ramathal to visit her in the Home.

9. Insofar as this Court is concerned, no further direction need be issued. The petition is, accordingly, closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ggs

To:

1. The Inspector of Police,
Sevur Police Station,
Tiruppur District.
2. The Public Prosecutor,
Madras High Court, Madras.
3. The Superintendent Tiruppur Auxilium
Salesian Sisters Society,
Marialaya, 8/1E/122, Kasthuri Bai Street,
Anna Nagar, Anupparpalayam Post,
Tiruppur 641 602.
4. The Child Welfare Committee,
141, College Road, Tiruppur.

+ 1 cc to Mr. M. Vijayaragavan, Advocate SR.79780

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