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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.205 of 2018

M.Muthulakshmi,
W/o.Late Muthukumar

... Petitioner

-Vs-

1.The Child Welfare Committee,
Chengalpet,
Kancheepuram District.

2.The Inspector of Police,
Selaiyur Police Station,
East Tambaram,
Chennai-600 059.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the petitioner's daughter, namely, M.Gangadevi, aged about 14 years before this Court.

For Petitioner : Dr.Francis Xavier Arulraj,
Senior Counsel
for Mr.G.Mutharasu.

For Respondents: Mr.T.Mohan
for Ms.Sheik Mehrunisa - R1

Mr.R.Pratap Kumar
Additional Public Prosecutor-R2

ORDER

[Order of the Court was made by C.T.Selvam, J.]

Petitioner, who is father of the detenue, namely Gangadevi, aged about 14 years, seeks production of his daughter before this Court.



2. Detenue has been produced by the Child Welfare Committee. We have interacted with the detenue. Detenue informed us that she is comfortable at this home i.e., Annai Sathya Government Orphanage, Kancheepuram, and she is pursuing her education. As she was forced to do physical labour by her parents, she left her house and wants to continue her education by staying in the home itself.

3. On an earlier occasion, this Court directed the Child Welfare Committee to cause production of the child for assessment by a Consultant Psychologist and Marital Therapist and forward the report.

4. We have perused the report of the Consultant Psychologist and Marital Therapist. The Psychologist in her report submitted the following:

"During the course of the interview she says that she is more comfortable in the hostel and wishes to pursue her education. She further states that she wishes her mother to visit her on permitted days. On questioning about her future plans she answered that she prefers to complete her school education and undergo teacher training course.

On questioning about her family she states to have two brothers one elder and one younger who live with her parents. Her grandmother has been very affectionate to her and taken care of her in her mother's absence. Her elder brother is mentally challenged and does not go to school, whereas her younger brother attends school. She recalls that she was also going to school regularly but her mother stopped her and sent her to work. It is identified that out of fear she states contradictory statements about her mother's occupation.

Inference - Based on the interview Miss. Gangadevi aged 14 yrs wishes to stay in the hostel as she is interested in continuing her education and wishes her mother to visit her regularly. I wish to suggest that she continues to stay in the hostel and continue her education and go to visit her parents and brothers as she also needs the family support, further the mother needs to be instructed to permit her to continue the education and no point send her for work."

5. Keeping in view of the above findings of Psychologist and in the best interest of the child, the child is permitted to stay in the home where she stays now and continue her education. It is also to be noted that the child needs



family support. Keeping the same in mind, we are of the view that, the authorities concerned shall allow the mother, grandmother and siblings to visit the child once in a week and during holidays. Similarly, the authorities shall also arrange for the child to meet her parents and allow the child, if she wishes so, to go with her mother for a day or two and come back to the home.

6. With the above observations, this Habeas Corpus Petition shall stand closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

rm

To

1. The Child Welfare Committee,
Chengalpet,
Kancheepuram District.
2. The Inspector of Police,
Selaiyur Police Station,
East Tambaram,
Chennai-600 059.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.205 of 2018

SR (CO)
GN (03/05/2018)