

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.6618 of 2018

and

WMP.No.8210 of 2018

Jaaveeth Syed

... Petitioner

Vs

1.The Chair Person,
Child Welfare Committee,
No.300, Purasalwakkam High Road,
Kellys,
Chennai.

2.The Mottukkal,
Good Shepherd Convent,
Nungambakkam,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for a Writ of Mandamus, directing the 1st respondent to release the child namely, J.Thamanna Syed from the custody of the 2nd respondent and permit her to live with the petitioner in terms of Section 59 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

For Petitioner : Mr.Mubarak Ahmed for
Ahmad Associates

For Respondents : Ms.Shaikh Mehrunisa

ORDER

Shorn of unnecessary facts, it is seen that the petitioner is the father of the minor female child namely, Thamanna Syed, aged about 8 years. A case in Crime No.61 of 2018 on the file of Aminjikarai Police Station was registered and during the course of investigation, the police arrested the mother of the child J.Najmunnisa Syed on 14.03.2018. At the time of producing her before the Court, the child accompanied her and therefore, the child was handed over to the custody of the Child Welfare

Committee, Kellys, Chennai. While so, the petitioner, who is the father of the child, has filed the present petition to direct the respondents to hand over the child to him.

2.Today, Ms.Shaikh Mehrunisa, learned counsel appearing for the respondents fairly submitted that the enquiry conducted by the Child Welfare Committee reveals that the child is anxious to go with her father.

3.The child is said to be in the custody of the 2nd respondent/The Mottukkal, Good Shepherd Convent, Nungambakkam, Chennai.

4.In such view of the matter, this Court directs the Child Welfare Committee to hand over the child immediately to the petitioner herein. It is always open to the mother to file appropriate proceedings seeking guardianship, if so advised.

With the above direction, this Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mps/dh
To

1.The Chair Person,
Child Welfare Committee,
No.300, Purasalwakkam High Road,
Kellys,
Chennai.

2.The Mottukkal,
Good Shepherd Convent,
Nungambakkam,
Chennai.

+ 1 cc to M/s. Ahmad Associates, Advocate Sr.24486

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(CS-IX)
EU(03/04/2018)