

In the High Court of Judicature at Madras

Dated: 23.04.2018

Coram:

The Hon'ble Mr.Justice M.VENUGOPAL

and

The Hon'ble Mrs.Justice R.HEMALATHA

H.C.P.No.449 of 2018

Ravanamma

.. Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai-600 007.

2.The Inspector of Police,
Kanathur Police Station,
Muttukadu,
Kanchipuram District.

3.The Member,
Child Welfare Centre,
Chengalpet,
Kanchipuram District.

4.The Member,
Child Welfare Centre,
Kanchipuram. (Given up)

5.The Member,
Child Welfare Committee,
Purasaiwalkam, Chennai.

6.The Director,
Director of Social Defense,
Purasaiwalkam, Chennai.

7.The Head Master,
Government High School,
Uthandi, Chennai-600 119.

8.The Superintendent,
Government Girls Children Home,
300, Purasaiwalkam High Road,
Kellys, Chennai-600 010.

(R4 is given up and R8 is suo motu impleaded
as per the order of this Court dated 04.04.2018

<https://hcservices.ecourts.gov.in/hcservices/>

made in HCP.No.449 of 2018)

.. Respondents

Prayer: This Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to direct the respondents to produce the body of the petitioner's daughter, the minor girl Ramya, aged 15 years old before this Court and that the minor girl to be handed over to the petitioner.

For Petitioner :Mr.N.Selvaraju

For Respondent :Mr.R.Ravichandran
Nos.1, 2 & 6 Government Advocate (Crl. Side)

For Respondent :Mr.T.Mohan
Nos.3 & 5 for Ms.Shaikh Mehrunisha &
Mr.R.Lakshmikanth

For Respondent :M/s.S.Ponjaganathan &
No.7 Mr.R.G.Dayalaseelan

For Respondent-4 :Given up

O R D E R

[Order of the Court was made by
R.HEMALATHA, J.]

The Petitioner/Ravanamma has filed the present petition for issuance of Writ of Habeas Corpus directing the respondent police to produce the body of her daughter, Ramya, aged 15 years before this Court and to hand over the minor girl to her.

2.Heard Mr.N.Selvaraju, learned counsel for the petitioner, Mr.R.Ravichandran, learned Government Advocate (Crl. Side) for the respondents 1, 2 & 6, Mr.T.Mohan, learned counsel for the respondents Nos.3 & 5 and Mr.S.Ponjaganathan, learned counsel for the seventh respondent.

3.A perusal of the affidavit filed by the petitioner shows that the detainee Ramya, aged 15 years is not her biological daughter and that she has not also adopted her as per law. However, she has averred that she was taking care of the detainee and was also educating her by putting her in a school at Broadway, Chennai. Her specific contention is that on 24.08.2007, her daughter Ramya did not come back home from school and her enquiries revealed that the detainee Ramya is under the care and custody of the Child Welfare Committee, who did not permit her to meet the detainee. Hence the present petition.

4.Notices were issued to the respondents and in response to the said notice, the detainee minor girl Ramya, aged 15 years, was produced before this Court on 16.04.2018.

5.It is relevant to point out that the detainee Ramya is presently lodged in Government Girls Children Home, No.300, Purasaiwalkam High Road, Kellys, Chennai-600 010. When we interacted with her, she informed this Court that on her complaint to her teacher by name, Mrs.Chitra about the sexual assault on her by the husband of the petitioner, she was handed over to child line, who lodged her in Annai Sathya Home, Kancheepuam. Since she did not like the Home, she attempted to escape from the Home. However, she was brought to the said Home by the watchman of the home, who saw her at the Bus Stand, Kanchipuram. Thereafter, she was referred to Government Girls Children Home, No.300, Purasaiwalkam High Road, Kellys, Chennai-600 010. She also contended that she was beaten up by some of the inmates of the Home. Therefore, the Superintendent of the above said Home was directed to appear before this Court on 23.04.2018.

6.On 23.04.2018, the Superintendent, (in-charge) of the Home was present and we interacted with her. She informed this Court that there used to be minor disputes among the inmates and nothing serious took place in the Home. We also interacted with the detainee Ramya, who contended that she does not like the Home itself.

7.The learned Government Advocate (Crl. Side) contended that since the petitioner is not the biological mother, the custody of the child cannot be handed over to her.

8.As already observed, the petitioner is not a biological mother and the letter written by the detainee Ramya on 25.08.2017 clearly shows that one Rajesh Kumar, who is living with the present petitioner misbehaved with her. In the circumstances, we are of the considered opinion that the custody of the detainee minor Ramya cannot be given to the petitioner. Therefore, the minor girl Ramya is again sent back to the Government Girls Children Home, No.300, Purasaiwalkam High Road, Kellys, Chennai-600 010 and the Superintendent, in-charge of the said Home is instructed to give psychological counselling at regular intervals to the minor girl Ramya through a psychiatrist as she appears to be depressed.

9.Since the petitioner has no locus standi to file the present petition, the Habeas Corpus Petition is dismissed.

Sd/-

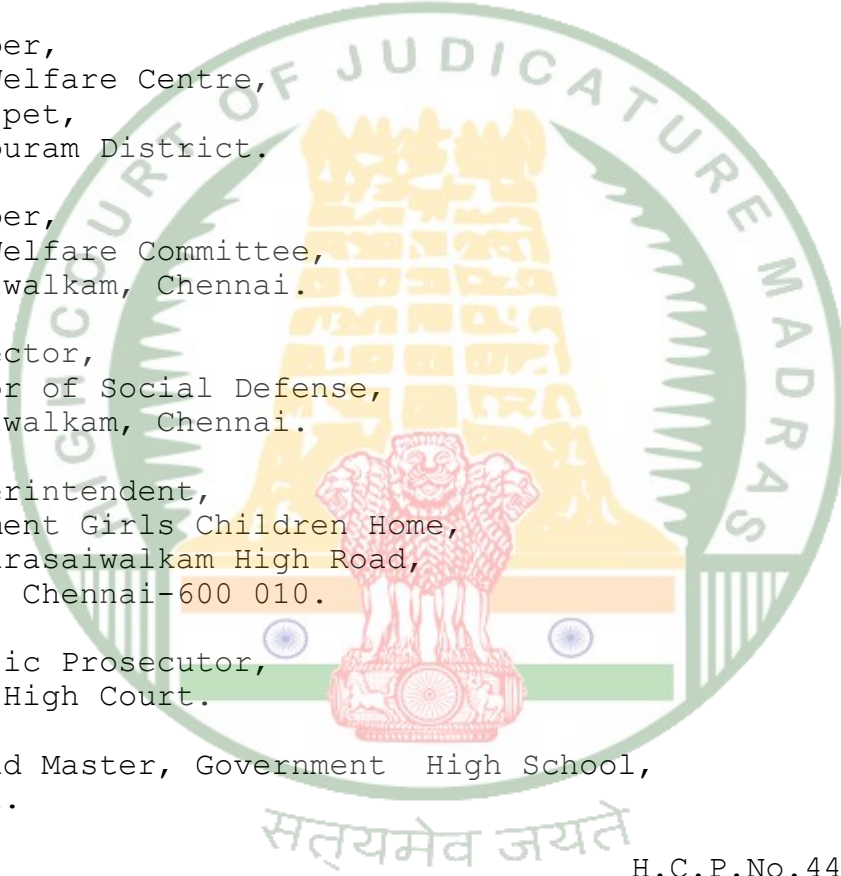
Assistant Registrar(CS-II)

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Sub Assistant Registrar

To

- 1.The Commissioner of Police,
Greater Chennai City Police,
Vepery, Chennai-600 007.
- 2.The Inspector of Police,
Kanathur Police Station,
Muttukadu,
Kanchipuram District.
- 3.The Member,
Child Welfare Centre,
Chengalpet,
Kanchipuram District.
- 4.The Member,
Child Welfare Committee,
Purasaiwalkam, Chennai.
- 5.The Director,
Director of Social Defense,
Purasaiwalkam, Chennai.
- 6.The Superintendent,
Government Girls Children Home,
300, Purasaiwalkam High Road,
Kellys, Chennai-600 010.
- 7.The Public Prosecutor,
Madras High Court.
8. The Head Master, Government High School,
Uthandi.



H.C.P.No.449 of 2018

AD(CO)
EU(16/05/2018)

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