



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD) No.1383 of 2018

T.Mangayarthilagam

... Petitioner

-vs-

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Karimedu Police Station (L & O),
Madurai.

3.The Administrator,
Vidiyal Children Home,
No.21, Kennet Nagar,
Muthupatti East,
Madurai - 625 003.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the 1st and 2nd respondents to produce the petitioner's sister's daughter by name Yogashri, aged about 4 years, D/o.Balaji before this Hon'ble Court and set her at liberty.

For Petitioner	:	Mr.C.M.Arumugam
For Respondents 1 & 2	:	Mr.K.Dinesh Babu
		Additional Public Prosecutor
For Respondent No.3	:	Mr.R.Gandhi

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner has filed this petition seeking production of her sister's minor daughter and to hand over the custody to her.

2.The petitioner is the paternal aunt of the detainee, who is a female child and four years old. It appears a case has already been registered against the biological mother and her husband for torture of the child. Now, the child was brought by Child Welfare Committee, which in turn passed an order entrusting the custody of the child before child welfare home. Already an application was stated to have



been filed claiming custody of the child on the footing the applicant is the biological father. DNA test was also conducted.

3. In the light of the above, we are of the view that the remedy of the petitioner lies with the Child Welfare Committee, which is a body constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015. We hope the Child Welfare Committee will take appropriate action keeping in mind the welfare of the child. If the petitioner wants to see the child she can very well approach the Child Welfare Committee for the same.

4. In view of the above, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Commissioner of Police,
Madurai City.
2. The Inspector of Police,
Karimedu Police Station (L & O),
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.GANDHI, ADVOCATE IN SR No. 90496
+ 1 CC TO Mr.C.M.ARUMUGAM, ADVOCATE IN SR No. 90650

SJ
TE/RSK/SAR-2 : 26/11/2018 : 2P/6C

H.C.P. (MD) No.1383 of 2018
12.10.2018