

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No. 7 of 2019**

1. Shankar Lal Verma S/o Shri Bisavaha Ram Verma Aged About 59 Years R/o Village Badgaon Post- Godhi, Badgaon Raipur, Mandir Hasod Chhattisgarh.- 492101.
2. Kanhaiyya Verma S/o Shri Dashrath Verma Aged About 34 Years R/o Village Badgaon Post Godhi- Badgaon Raipur Mandir Hasod Chhattisgarh.- 492101.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Women And Child Development Department Government Of Chhattisgarh, Mahanadi Bhawan Naya Raipur, Tahsil And District- Raipur, Chhattisgarh.
2. Chairman Child Welfare Committee (Bal Kalyan Samiti), Raipur Tah. And District- Raipur, Chhattisgarh.- 492001.
3. Ku. Santoshi Verma D/o Shri Kanhaiyya Lal Verma Aged About 12 Years In Custody Of Child Welfare Committee Raipur Tahsil And District- Raipur, Chhattisgarh.- 492001.
4. Station House In Charge Police Station- Badman Tahsil And District- Jharsuguda, Odisha.- 768202.
5. Shri Nityanand S S/o Shri K.G. Subramani Assistant Manager (Security) Vendanta Aluminium Limited Jhadsuguda, Odisha.- 768202.

---- Respondents

For Petitioners	: Shri V. G. Tamaskar, Advocate
For Respondent-State	: Smt. Fouzia Mirza, Additional Advocate General

Hon'ble Shri Prashant Kumar Mishra, Acting Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****01/04/2019****Per Prashant Kumar Mishra, Acting Chief Justice**

1. This Habeas Corpus petition has been preferred for seeking production of minor Ku. Santoshi, who is granddaughter of petitioner No.1-Shankar Lal Verma and daughter of petitioner No.2-Kanhaiya Verma, respectively.
2. Shri Rajendra Prasad Nirala, Chairman, Child Welfare Committee, Raipur and Ms. Jyoti Sharma, Child Welfare Officer Girls Children Home Raipur have produced minor Santoshi before us.

3. Ku. Santoshi is minor daughter of petitioner No. 2-Kanhaiya Verma and Smt. Meena Verma, who are also present in Court. Two years prior to January 2019, Ku. Santoshi happened to visit the house of Ms. Sapnil Tiwari at Mahasamund, thereafter, she went to Jharsuguda with Ms. Sapnil Tiwari and since then, Ku. Santoshi was staying with Ms. Sapnil Tiwari at Jharsuguda.

4. On some report alleging exploitation of Ku. Santoshi as child labour, the Inspector In-charge, Badman Police Station, Jharsuguda obtained custody of Ku. Santoshi and handed over her to the custody of Child Welfare Committee, Jharsuguda through Judicial Magistrate First Class, Jharsuguda and thereafter, the said Child Welfare Committee handed over the custody of Ku. Santoshi to Child Welfare Committee Raipur. Presently, she has been produced by the Child Welfare Committee, Raipur.

5. In the pre-lunch session, we heard this petition for some time and decided to interact with the child in chamber during lunch hours. In our interaction, we have found that the child is willing to go back to her parents at village Badgaon. Leaving aside other aspects of the matter, the only important factor which we would like to mention is that at Jharsuguda, she was not admitted to any school. On our persuasion, she stated that she has her own ambition in life and she is desirous of obtaining education at Badgaon or at a nearby school. Badgaon itself is located at a distance within 15 kms. from Raipur.

6. Considering the entire aspect of the matter, we deem it appropriate that the custody of minor Santoshi be handed over to her parents. The parents, present before us appear to be living below the poverty line, therefore, to ensure that Ku. Santoshi is admitted to some school at Badgaon or nearby place, we direct the District Legal Services Authority, Raipur to visit Ku. Santoshi's house and get her admitted in some good school at Badgaon or nearby village.

7. A copy of this order be sent to State Legal Services Authority and District Legal Services Authority, Raipur for monitoring the compliance of this order. It is also observed that the parents of Ku. Santoshi shall not hand over her custody to any individual for doing household work.

8. Let Chairman, Child Welfare Committee Raipur complete necessary formalities and hand over the custody of minor Santoshi to her parents in the presence of Secretary, District Legal Services Authority, within three days.

9. This habeas corpus petition is accordingly disposed off.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge